



Legislation Details (With Text)

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**Title:** CONTINUED HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 46 (Parcel A of Final Parcel Map No. 2019-06) (northeast corner of North First and East Nees Avenues) (Council District 6)

1. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 46 (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 2020-2021 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 46 (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 21-138 Location Map, 2. 21-138 Resolution Annex Levy, 3. 21-138 Resolution Calling Election, 4. 21-138 Resolution Declaring Results, 5. 21-138 Ordinance

Date	Ver.	Action By	Action	Result
1/28/2021	1	City Council	continued	

**REPORT TO THE CITY COUNCIL**

**January 28, 2021**

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

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

**BY:** RANDY GUILL, Supervising Engineering Technician  
Public Works Department, Traffic Operations and Planning Division

**SUBJECT**

**CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 46 (Parcel A of Final Parcel Map No. 2019-06) (northeast corner of North First and East Nees Avenues) (Council District 6)

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## RECOMMENDATIONS

1. Adopt Resolution to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 46,
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 2020-2021 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 46.

## EXECUTIVE SUMMARY

On July 16, 2020, the Council of the City of Fresno (Council) adopted Council Resolution No. 2020-165 with the intent to annex territory to Community Facilities District No. 9 (CFD No. 9) at the request of the landowner of Parcel A of Final Parcel Map No. 2019-06. This is the noticed public hearing to consider annexing Parcel A of Final Parcel Map No. 2019-06 as Annexation No. 46 to CFD No. 9 to provide funding for the Services (as hereafter defined) pertaining to certain above ground public improvements associated with the Coronado Apartments Development. The cost for the Services totals \$509 annually for Fiscal Year 2020-2021. If approved, the recommended resolutions and ordinance will levy a Special Tax on Parcel A of Final Parcel Map No. 2019-06 for identified Services. (See attached Location Map.)

## BACKGROUND

On December 16, 2008, the Council adopted Council Resolution No. 2008-351 forming CFD No. 9 to fund the Services for public improvements/areas that may benefit not only a particular subdivision or a portion of, but also the City of Fresno (City) and the public at large, that serve a public purpose, and that are constructed or installed on public property or dedicated rights-of-way or easements. CFD No. 9 is to provide maintenance for certain regulatory required public improvements located within and adjacent to public streets on the perimeter of commercial, industrial, and multi-family subdivisions as described and permitted 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).

New commercial, industrial, and multi-family subdivisions and parcel maps have different needs and standards than those of a standard single-family residential subdivision. Commercial, industrial, and multi-family subdivisions are traditionally self-maintained with different proprietary requirements for landscaping, signage and general designs. CFD No. 9 is designed to accommodate these requirements by providing funding of services for certain required public improvements in the public

rights-of-way along the perimeters of these developments.

The landowner has petitioned the City to have Parcel A of Final Parcel Map No. 2019-06 annexed to CFD No. 9 to provide funding for the operation and reserves for maintenance (Services) pertaining to certain above ground public improvements located within City public easements. These improvements may include concrete curbs, gutters, and sidewalks, and local street paving as associated with the Coronado Apartment Development. Pursuant to this petition, the Council adopted Council Resolution No. 2019-165, declared its intention to annex Parcel A of Final Parcel Map No. 2019-06 to CFD No. 9, and set the public hearing for formal consideration.

The public hearing was initially noticed for August 20, 2020. City Law provides that the hearing on a proposed annexation to an existing CFD “may be continued from time to time without further notice, but shall be completed within one year of the original hearing date.” This hearing was continued to September 17, 2020, November 5, 2020, and was subsequently continued to January 28, 2021.

Council Resolution No. 2020-165 also directed preparation of a District Report describing the Services and the costs of those services and this report is on file with the City Clerk of the City of Fresno.

If adopted by the Council, the attached ordinance would levy the proposed maximum special tax totaling \$509 annually for Fiscal Year 2020-2021. The Maximum Special Tax may be adjusted upward annually by 2% or by the rise of the Construction Cost Index, if it exceeds 2% 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 resolutions and ordinance 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 considered because this hearing 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 territory.

### **Attachments:**

Location Map

Resolution Annex-Levy

Resolution Calling Election

Resolution Declaring Results  
Ordinance