



Legislation Details (With Text)

**File #:** ID18-1401    **Version:** 1    **Name:**  
**Type:** Action Item    **Status:** Passed  
**File created:** 11/13/2018    **In control:** City Council  
**On agenda:** 11/29/2018    **Final action:** 11/29/2018

**Title:** CONTINUED HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 95 (Final Tract Map No. 5493) (east side of North Bryan Avenue between West Shaw and Gettysburg Avenues) (Council District 1)  
1. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 95 (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) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 95

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-1316 Location Map.pdf, 2. 18-1316 Feature Map.pdf, 3. 18-1316 Resolution Annex-Levy.pdf, 4. 18-1316 Resolution Calling Election.pdf, 5. 18-1316 Resolution Declaring Results.pdf, 6. 18-1316 Ordinance.pdf

Date	Ver.	Action By	Action	Result
11/29/2018	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**November 29, 2018**

**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

ANN LILLIE, Senior 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. 11, Annexation No. 95 (Final Tract Map No. 5493) (east side of North Bryan Avenue between West Shaw and Gettysburg Avenues) (Council District 1)

1. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 11 and

Authorizing the Levy of a Special Tax for Annexation No. 95 (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) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 95

## RECOMMENDATIONS

1. Adopt Resolution Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax
2. Adopt Resolution Calling Special Mailed-Ballot Election
3. Adopt Resolution Declaring Election Results
4. Adopt Ordinance Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 95

## EXECUTIVE SUMMARY

On October 25, 2018, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2018-245 with the intent to annex territory to Community Facilities District No. 11 ("CFD No. 11") at the request of the landowner of Final Tract Map No. 5493. This is the noticed public hearing to consider annexing Final Tract Map No. 5493 as Annexation No. 95 to CFD No. 11 to provide funding for the operation and reserves for maintenance ("Services") pertaining to the landscaping, trees and irrigation systems within the street rights-of-way, landscape easements and Outlots A, B, C, and D; all above ground public improvements, including, the concrete curbs and gutters, valley gutters, bus bay concrete work, sidewalks, curb ramps and Outlots A, B, C, and D walkways and trail, street name signage, street lighting, and local street paving associated with this subdivision. The cost for Services is \$471.23 per lot annually. If approved, the recommended resolutions and ordinance will levy a Special Tax on the properties in Final Tract Map No. 5493 for identified Services. (See attached location and features map).

## BACKGROUND

On November 15, 2005, the Council adopted Council Resolution No. 2005-490 forming CFD No. 11 to fund the maintenance of landscaping, open spaces, local streets, local street lights and street furniture, curbs, gutters, sidewalks, street trees and other public facilities and services as defined by the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3 of the Fresno Municipal Code ("City Law").

The landowner of Final Tract Map No. 5493 has petitioned the City of Fresno to be annexed into CFD No. 11 to provide funding for the Services pertaining to the landscaping, trees and irrigation systems within the street rights-of-way, landscape easements and Outlots A, B, C, and D; all above ground public improvements, including, the concrete curbs and gutters, valley gutters, bus bay concrete work, sidewalks, curb ramps and Outlots A, B, C, and D walkways and trail, street name signage, street lighting, and local street paving associated with this subdivision. Pursuant to

this petition, the Council adopted Council Resolution No. 2018-245, declared its intention to annex the Final Tract Map No. 5493 to CFD No. 11, and set the public hearing for formal consideration. (See attached location and features map.)

Resolution No. 2018-245 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 \$471.23 per residential lot to provide Services for FY18-19. 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**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this hearing does not qualify as a "project" and is therefore exempt from the California Environmental Quality Act 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 tract.

### **Attachments:**

Location Map

Feature Map

Resolution Annex-Levy

Resolution Calling Election

Resolution Declaring Results

Ordinance