



Legislation Details (With Text)

**File #:** ID19-1292    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Passed

**File created:** 2/25/2019    **In control:** City Council

**On agenda:** 3/21/2019    **Final action:** 3/21/2019

**Title:** 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. 23 (the development of Assessor's Parcel Number 501-153-05S and 501-153-06S as United Health Center, Development Permit Application no. 2017-051) (northwest corner of West Herndon and North Brawley Avenues) (Council District 2)

1. \*\*\*RESOLUTION - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (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 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 23 (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-1292 Location Map.pdf, 2. 19-1292 Resolution Annex-Levy.pdf, 3. 19-1292 Resolution Calling Election.pdf, 4. 19-1292 Resolution Declaring Results.pdf, 5. 19-1292 Ordinance.pdf

Date	Ver.	Action By	Action	Result
3/21/2019	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**March 21, 2019**

**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**

**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. 23 (the development of Assessor's Parcel Number 501-153-05S and 501-153-06S as United Health Center, Development Permit Application no. 2017-051) (northwest corner of West Herndon and North Brawley Avenues) (Council

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## **RECOMMENDATIONS**

1. Adopt Resolution Annexing Territory to Community Facilities District No. 9 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. 9, Annexation No. 23

## **EXECUTIVE SUMMARY**

On February 14, 2019, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2019-021 with the intent to annex territory to Community Facilities District No. 9 ("CFD No. 9") at the request of the landowner of Assessor's Parcel Number 501-153-05S and 501-153-06S (Development Permit Application No. 2017-051, United Health Centers Admin Building). This is the noticed public hearing to consider annexing this territory as Annexation No. 23 to CFD No. 9 to provide funding for the operation and reserves for maintenance ("Services") pertaining to the concrete curb and gutters, valley gutters, sidewalks and curb ramps, asphalt concrete trail, expressway barrier fence, street lighting, and local street paving as associated with this development. The total cost for Services is \$15,622.00 annually for fiscal year 2018-2019. If approved, the recommended resolutions and ordinance will levy a Special Tax on the properties in Annexation No. 23 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 the territory known as Assessor's Parcel Number 501-153-05S and 501-153-06S annexed to CFD No. 9 to finance the Services for concrete curb and gutters, valley gutters, sidewalks and curb ramps, asphalt concrete trail, expressway barrier fence, street lighting, and local street paving as associated with this development. Pursuant to this petition, the Council adopted Council Resolution No. 2019-021, declared its intention to annex Assessor's Parcel Number 501-153-05S and 501-153-06S to CFD No. 9, and set the public hearing for formal consideration.

The landowner has agreed to satisfy part of their maintenance requirements by entering into an agreement to provide funding and services for the landscaping, trees and irrigation along the frontage of West Herndon Avenue; to include the trail and park strip with the public easements.

Resolution No. 2019-021 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 \$15,622.00 for Fiscal Year 2017-2018. The Maximum Special Tax may be adjusted upward annually at the discretion of the City with a limit of 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 resolutions and ordinance 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 territory.

Attachments:

Location Map  
Resolution Annex-Levy  
Resolution Calling Election  
Resolution Declaring Results  
Ordinance