



Legislation Details (With Text)

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**File created:** 11/8/2019    **In control:** City Council

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**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. 42 (Assessor’s Parcel Number 509-040-03 and 509-040-04) (northwest corner of the intersection West Jennifer and West Jacquelyn 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 2019-2020 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 42 (Subject to Mayor’s Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-11578 Location Map, 2. 19-11578 Resolution Annex-Levy, 3. 19-11578 Resolution Calling Election, 4. 19-11578 Resolution Declaring Results, 5. 19-11578 Ordinance

| Date       | Ver. | Action By    | Action   | Result |
|------------|------|--------------|----------|--------|
| 12/12/2019 | 1    | City Council | approved | Pass   |

**REPORT TO THE CITY COUNCIL**

**December 12, 2019**

**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:** 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. 42 (Assessor’s Parcel Number 509-040-03 and 509-040-04) (northwest corner of the intersection West Jennifer and West Jacquelyn Avenues) (Council District 2)

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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 2019-2020 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 42

## EXECUTIVE SUMMARY

On November 14, 2019, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2019-227 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 509-040-03 and 509-040-04. This is the noticed public hearing to consider annexing Assessor's Parcel Number 509-040-03 and 509-040-04 as Annexation No. 42 to CFD No. 9 to provide funding for the Services pertaining to certain above ground public improvements associated with this Development. The cost for Services totals \$890.00 annually for Fiscal Year 2019-2020. If approved, the recommended resolutions and ordinance will levy a Special Tax on the properties in Annexation No. 42 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 Assessor's Parcel Number 509-040-03 and 509-040-04 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 public improvements may include concrete curbs and gutters, street lighting, and local street paving as associated with this development. Pursuant to this petition, the Council adopted Council Resolution No. 2019-227, declared its intention to annex Assessor's Parcel Number 509-040-03 and 509-040-04 to CFD No. 9, and set the public hearing for formal consideration.

Council Resolution No. 2019-227 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 \$890.00 annually for Fiscal Year 2019-2020. 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