



Legislation Details (With Text)

**File #:** ID18-1048    **Version:** 1    **Name:**  
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**File created:** 9/4/2018    **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. 33 (Assessor's Parcel Number 326-160-41) (south side of West Nielsen Avenue west of South Marks Avenue) (Council District 3)  
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. 33 (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-1048 Location Map.pdf, 2. 18-1048 Resolution Annex-Levy.pdf, 3. 18-1048 Resolution Calling Election.pdf, 4. 18-1048 Resolution Declaring Results.pdf, 5. 18-1048 Ordinance.pdf

Date	Ver.	Action By	Action	Result
9/20/2018	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**September 20, 2018**

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Public Works Department

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**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. 33 (Assessor's Parcel Number 326-160-41) (south side of West Nielsen Avenue west of South Marks Avenue) (Council District 3)

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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. 33

## EXECUTIVE SUMMARY

On August 16, 2018, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2018-194 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 326-160-41. This is the noticed public hearing to consider annexing Assessor's Parcel Number 326-160-41 as Annexation No. 33 to CFD No. 9 to provide funding for the operation and reserves for maintenance ("Services") pertaining to the above ground public improvements along the frontage of West Nielsen Avenue; including the concrete curbs, gutters and sidewalks, and street lighting associated with this development. The cost for Services totals \$911.00 annually for Fiscal Year 2018-2019. If approved, the recommended resolutions and ordinance will levy a Special Tax on Assessor's Parcel Number 326-160-41 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 326-160-41 annexed to CFD No. 9 to finance the Services pertaining to the above ground public improvements along the frontage of West Nielsen Avenue; including the concrete curbs, gutters and sidewalks, and street lighting associated with this development. Pursuant to this petition, the Council adopted Council Resolution No. 2018-194, declared its intention to annex Assessor's Parcel Number 326-160-41 to CFD No. 9, and set the public hearing for formal consideration.

Council Resolution No. 2018-194 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 \$911.00 annually for Fiscal Year 2018-2019. 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