



Legislation Details (With Text)

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**File created:** 1/2/2019    **In control:** City Council  
**On agenda:** 1/17/2019    **Final action:** 1/17/2019

**Title:** 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. 90 (Final Tract Map No. 6165, Assessor's Parcel Number 316-022-62, and Assessor's Parcel Number 316-022-63) (north side of East Church Avenue between South Fowler and Sunnyside Avenues) (Council District 5)

1. RESOLUTION - Directing Preparation of a Modified District Report Analyzing Impact of the Proposed Change in Services and Increase in the Probable Special Tax for Proposed Modification of Resolution No. 2018-267
2. RESOLUTION - Receiving and Approving the Modified District Report and Modifying Council Resolution No. 2018-267 for Annexation No. 90 to the City of Fresno Community Facilities District No. 11
3. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 90 (Subject to Mayor's Veto)
4. \*\*\*RESOLUTION - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
5. \*\*\*RESOLUTION - Declaring Election Results (Subject to Mayor's Veto)
6. \*\*\*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. 11, Annexation No. 90 (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-0132 Location Map.pdf, 2. 19-0132 Feature Map.pdf, 3. 19-0132 Reso Directing Preparation.pdf, 4. 19-0132 Reso Receiving and Approving.pdf, 5. 19-0132 Reso Annex.pdf, 6. 19-0132 Reso Calling Election.pdf, 7. 19-0132 Reso Declaring Results.pdf, 8. 19-0132 Ordinance.pdf

Date	Ver.	Action By	Action	Result
1/17/2019	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**January 17, 2019**

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

**BY:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
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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. 11, Annexation No. 90 (Final Tract Map No. 6165, Assessor's Parcel Number 316-022-62, and Assessor's Parcel Number 316-022-63) (north side of East Church Avenue between South Fowler and Sunnyside Avenues) (Council District 5)

1. **RESOLUTION** - Directing Preparation of a Modified District Report Analyzing Impact of the Proposed Change in Services and Increase in the Probable Special Tax for Proposed Modification of Resolution No. 2018-267
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## RECOMMENDATIONS

1. Adopt Resolution Directing Preparation of a Modified District Report
2. Adopt Resolution Receiving and Approving the Modified District Report and Modifying Council Resolution No. 2018-267
3. Adopt Resolution Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax
4. Adopt Resolution Calling Special Mailed-Ballot Election
5. Adopt Resolution Declaring Election Results
6. 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. 90

## EXECUTIVE SUMMARY

On November 29, 2018, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2018-267 with the intent to annex territory to Community Facilities District No. 11 (CFD No. 11) at the request of the landowners of Final Tract Map No. 6165, Assessor's Parcel Number 316-022-62, and Assessor's Parcel Number 316-022-63. The quantities and types of Services have increased costs for Services and modification is required to reflect the increase of the annual Maximum Special Tax from \$185,660.00 to \$193,619.00 for fiscal year 2018-2019. This is the noticed public hearing to consider these modifications and to annex Final Tract Map No. 6165 and the territory known as Assessor's Parcel Number 316-022-62, and Assessor's Parcel Number 316-022-63 as Annexation No. 90 to CFD No. 11 to provide funding for the maintenance Services associated with this development. If approved, the recommended resolutions and ordinance will modify Council Resolution No. 2018-267 and levy a Special Tax on the properties within Annexation No. 90 for identified Services. (See attached location and features map).

## BACKGROUND

The landowner of Final Tract Map No. 6165 has petitioned the City of Fresno to annex to CFD No. 11 to provide funding for the Services pertaining to certain required public improvements within the

public easements and Outlot A as associated with Final Tract Map No. 6165. These improvements include landscaping, trees, irrigation systems, concrete curb & gutter, sidewalks, curb ramps, and median curb with hardscaping, street name signage, street lights, and local street paving. Facilities within Outlot A will also include, without limitations, a StormTech drainage system, check valve, park amenities, basketball court, exercise equipment, hardscaping, and trail lighting and a trail connection to the south. The landowners of Assessor's Parcel Number 316-022-62, and 316-022-63 have also made a request to annex to CFD No. 11 to share with the costs for all Services for Outlot A and the trail connection upon development their properties. The City of Fresno has agreed to allow these two parcels to share in the costs upon development as defined in the Rate and Method of Apportionment of Special Tax, attached to the Annexation Resolution as Exhibit B.

Pursuant to this petition, the Council adopted Council Resolution No. 2018-267 on November 29, 2018, declared its intention to annex territory to CFD No. 11, and set the public hearing for formal consideration. Council Resolution No. 2018-267 also directed the preparation of a written report describing the Services and the costs of those Services and to file a report with the City Clerk.

Additional types of Services and increased quantities of facilities were requested by the landowners to be added to Annexation No. 90 for maintenance. This modification increases the total Maximum Special Tax from \$185,660.00 to \$193,619.00 for fiscal year 2018-2019. A Modified District Report has been prepared and analyzed reflective of these modifications and is on file with the City Clerk and apart of this hearing.

As adopted by Council, Council Resolution No. 2018-267 proposed a total Maximum Special Tax of \$185,660.00 and now is proposed to be modified to show an increase to \$193,619.00. This requires Council Resolution No. 2018-267 to be modified to adjust the Special Tax and is accomplished with the following two additional resolutions:

1. The first is Council direction to analyze the proposed change to Council Resolution No. 2018-267 in a Modified District Report.
2. The second is for Council to approve the Modified District Report and to Modify Council Resolution No. 2018-267.

The annexation to CFD No. 11 requires three additional resolutions and ordinance.

3. The third resolution annexes territory to CFD No. 11 and authorizes the levy of the special tax if the tax is approved by a special election of the property owners.
4. Resolutions 4 and 5 conduct the special election approving the special tax.
5. The ordinance approves the levy of the special tax.

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 Directing Preparation

Resolution Receiving and Approving

Resolution Annex-Levy

Resolution Calling Election

Resolution Declaring Results

Ordinance