



## Legislation Details (With Text)

**File #:** ID 20-001568 **Version:** 1 **Name:**  
**Type:** Action Item **Status:** Agenda Ready  
**File created:** 11/10/2020 **In control:** City Council  
**On agenda:** 12/3/2020 **Final action:**  
**Title:** RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 506-130-36S as Annexation No. 49 to the CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, January 28, 2021, at 10:00 am (northeast corner of West Bullard and North Dante Avenues) (Council District 2)  
**Sponsors:** Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 20-001568 Location Map, 2. 20-001568 Resolution of Intention

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

## REPORT TO THE CITY COUNCIL

**December 3, 2020**

**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:** RANDY GUILL, Supervising Engineering Technician  
Public Works Department, Traffic Operations and Planning Division

### SUBJECT

**RESOLUTION** - Of Intention to Annex the Territory Known as Assessor's Parcel Number 506-130-36S as Annexation No. 49 to the CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, January 28, 2021, at 10:00 am (northeast corner of West Bullard and North Dante Avenues) (Council District 2)

### RECOMMENDATION

Adopt Resolution of Intention to Annex the Territory Known as Assessor's Parcel Number 506-130-36S as Annexation No. 49 to the City of Fresno Community Facilities District No. 9 (CFD No. 9) and to Authorize the Levy of Special Taxes.

## EXECUTIVE SUMMARY

The landowner has petitioned the City of Fresno (City) to have Assessor's Parcel Number 506-130-36S annexed to CFD No. 9 to provide funding for the Services (as hereinafter defined) pertaining to certain above ground public improvements associated with the Orchards Apartment complex development. The cost for these Services for the public improvements totals \$1,009 annually for Fiscal Year 2020-2021. Annexation No. 49 is located entirely within City limits. The Resolution of Intention begins the process, sets the required public hearing for Thursday, January 28, 2021, at 10:00 am, and defines the steps required to complete the annexation. (Reference attached Location Map.)

## BACKGROUND

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 for services for certain required public improvements along the perimeters of these developments. On December 16, 2008, the Council of the City of Fresno adopted Council Resolution No. 2008-351, forming CFD No. 9 to provide funding for the Services for certain public improvements located within and adjacent to public streets on the perimeter of commercial, industrial and multi-family subdivisions as described and permitted pursuant the Goals and Policies for CFD No. 9 and 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).

The landowner has petitioned the City to have Assessor's Parcel Number 506-130-36S 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 street easements. These improvements may include concrete curbs and gutters, sidewalks and curb ramps; and street lighting as associated with this development. (Reference attached Location Map.)

Assessor's Parcel Number 506-130-36S is located entirely within City limits.

The attached Resolution of Intention initiates the annexation process, sets the public hearing for Thursday, January 28, 2021, at 10:00 am, sets the Maximum Special Tax at a total of \$1,009 to be apportioned proportionately for each assessor's parcel within Annexation No. 49 annually for fiscal year 2020-2021, and sets the annual adjustment of the Special Tax to be adjusted upward annually by 2% or by the rise of the Construction Cost Index (CCI), if it exceeds 2% for the San Francisco Region.

Annexations to existing community facilities districts are permitted under City Law. The legislative body must follow certain prescribed procedures as outlined below:

- Adoption of a Resolution of Intention to Annex to CFD No. 9
- Required 7-day minimum Notice of Public Hearing
- Public hearing on Annexation and Levy of Special Tax
- Call a Special Mailed-Ballot Election on the proposed Special Tax
- Declare the Results of the Election

- Formal Adoption of Special Tax Levy (if election passes)

The attached Resolution has been approved as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

Pursuant to the definition in California Environmental Quality Act Guidelines Section 15378, this action is not a project.

## **LOCAL PREFERENCE**

Local preference was not implemented, as this item does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

No City funds will be involved. All costs will be borne by the landowner as set forth in Exhibit D of the Resolution of Intention attached herein.

Attachments:

Location Map

Resolution of Intention