



REPORT TO COUNCIL City of Sacramento

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915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

CONSENT
July 21, 2005

Honorable Mayor and
Members of the City Council

Subject: College Square Community Facilities District No. 2005-01 – Mail Ballot Election Results and Ordinance to Levy a Special Tax

Location/Council District: South of Cosumnes River Blvd. between Bruceville Road and Highway 99 (Attachment A, Page 4). (District 8)

Recommendation:

1) Adopt a Resolution determining the results of the Special Mail Ballot Election and 2) Pass for publication the Ordinance title levying a special tax for the fiscal year 2006-2007 and following fiscal years solely within and relating to the City of Sacramento College Square Community Facilities District No. 2005-01 and continue to August 2, 2005 for adoption.

Contact: Rita Goolkasian, Program Specialist, (916) 808-5236
Edward Williams, Development Engineering and Finance Manager, (916) 808-5440

Presenters: Rita Goolkasian, Program Specialist

Department: Development Services Department

Division: Development Engineering and Finance

Organization No: 4815

Summary:

This Community Facilities District (CFD) has completed the resolution of intention, public hearing and election phases of the formation proceedings (See Attachment B). This council report and resolution completes the formation process by reciting the results of the Mail-Ballot Election. The proposed ordinance is recommended for approval of publication of title, pursuant to City Charter, Article III, Section 32.

Committee/Commission Action: None.

Background Information:

The College Square CFD No. 2005-01 consists of approximately 52 net developable acres and is primarily a mixed-use project of commercial, retail, office and multi-family residential development. There are approximately 270,256 square feet of commercial and office property and 724 residential units proposed. The project will be built in 2 phases.

The district will finance certain public improvements within the public right of way and adjacent public utility easements of the major public roads intersecting and/or bordering the district boundary. As well, the district will finance a portion of development impact fees for certain parcels within the proposed boundary by creating an incremental tax for these parcels. A complete description of the improvements is shown on Exhibits B and C of the Resolution Establishing the District, which was approved by Council on June 21, 2005. The district also provides for a back-up maintenance tax for the drainage swales along West Stockton Blvd. and Kastanis Way.

On June 21, 2005, City Council approved the formation of the College Square CFD No. 2005-01. Following the hearing Council called for a special mail ballot election of property owners who waived the 90-day election period and other election requirements. The election was held July 19, 2005 at 2:00 pm in the City Clerk's office. The district was approved by 100% of the property owners.

Pursuant to City Charter, Article III, Section 32, staff will pass for publication the title of ordinance.

Financial Considerations:

There will be no impact to the general fund. The Developer will cash fund improvements and be reimbursed at a later time through available bond proceeds.

The full bond sale for this district will not exceed \$13,000,000, and is expected to be issued in 2 phases with the first sale anticipated in June 2006. The special tax will be subject to an annual inflation escalator of 2%.

Environmental Considerations:

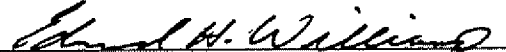
City Council's action in approving this resolution is solely for the purpose of formation of a Community Facilities District, and is itself therefore, not a project for the purposes of the California Environmental Quality Act.

Policy Considerations:

The procedures under which this CFD is being initiated are set forth-in Title 5 of the Government Code, Sections 53311-53317.5, entitled "The Mello-Roos Community Facilities Act of 1982." Formation of the College Square Community Facilities District is consistent with the City's Strategic Plan in promoting and supporting economic vitality.

Emerging Small Business Development (ESBD):

City Council adoption of the attached resolution is not affected by City policy related to ESBD.

Respectfully Submitted by: 
Edward Williams
Manager, Development Engineering and Finance

Recommendation Approved:



ROBERT P. THOMAS
City Manager

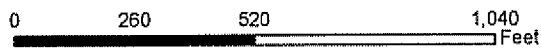
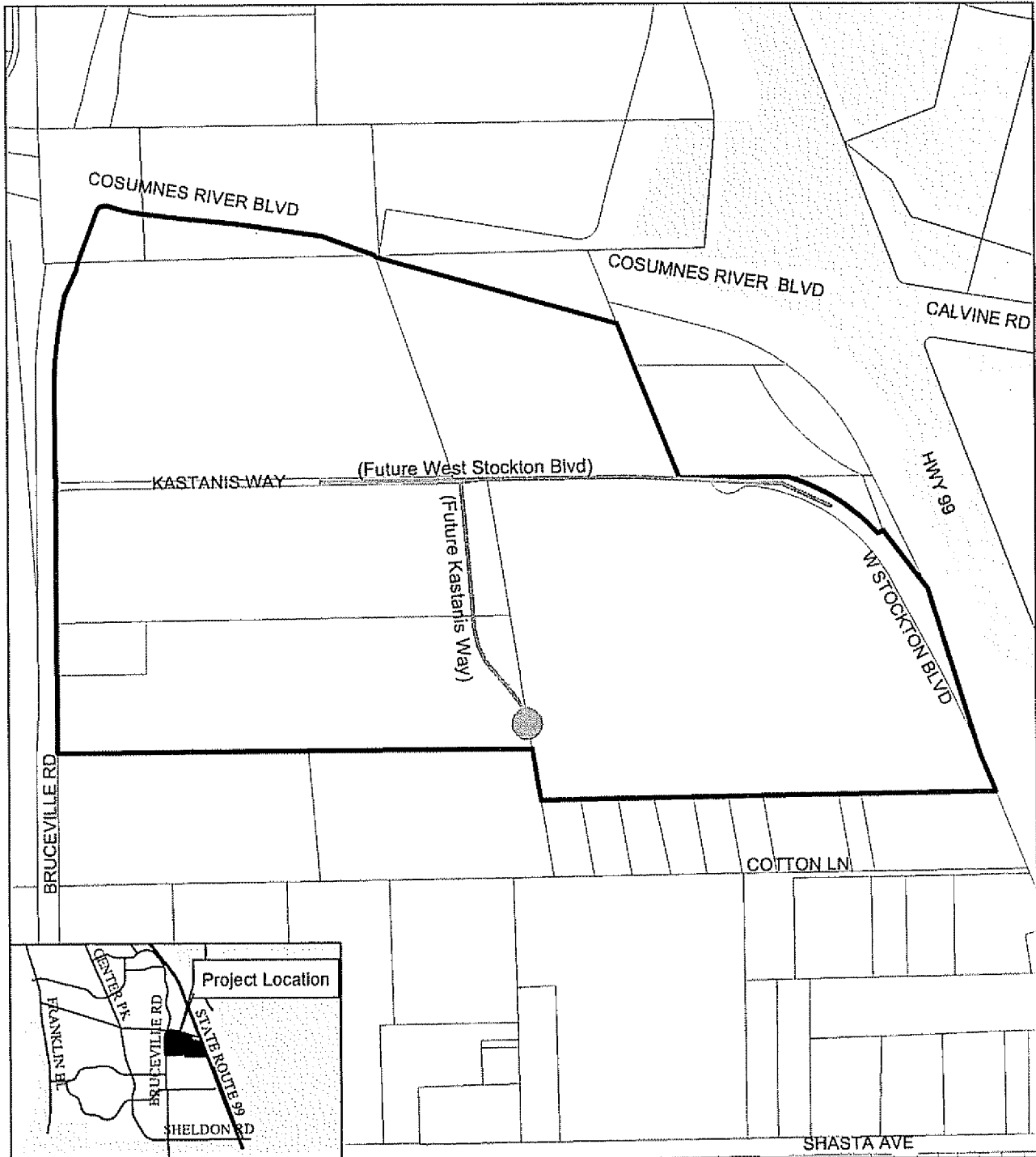
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ATTACHMENT A

College Square CFD No. 2005-01 Location Map



ATTACHMENT B

SCHEDULE OF PROCEEDINGS

- | | |
|----------------|---|
| May 17, 2005 | City Council Action – Initiate Proceedings <ul style="list-style-type: none">▪ Resolution Approving Bond Counsel Agreement for Legal Services▪ Resolution of Intention to Establish a CFD and to Levy a Special Tax (Sets Hearing Date and Approves Boundary Map)▪ Resolution of Intention to Incur Bond Indebtedness |
| May 20, 2005 | Publish and Mail the Notice of Hearing |
| June 21, 2005 | City Council Action – Public Hearing and Call for a Special Election <ul style="list-style-type: none">▪ Adopt Resolution of Formation and Call for a Special Election▪ Adopt Resolution to Incur Bonded Indebtedness and Call for a Special Election |
| July 19, 2005 | Special Election |
| July 21, 2005 | City Council Action – <ul style="list-style-type: none">▪ Adopt Resolution Declaring Election Results▪ Pass for Publication Title of Ordinance |
| August 2, 2005 | City Council Action –
Adopt Ordinance to Levy Special Tax |
| August 9, 2005 | Record the Special Tax Lien |

RESOLUTION NO

Adopted by the Sacramento City Council

DETERMINING THE RESULT OF THE SPECIAL ELECTION HELD IN THE CITY OF SACRAMENTO COLLEGE SQUARE COMMUNITY FACILITIES DISTRICT NO. 2005-01, ON JULY 19, 2005

BACKGROUND

- A. The City Clerk of the City of Sacramento has duly canvassed the votes cast in the City of Sacramento College Square Community Facilities District No. 2005-01 (the "Community Facilities District") at the special mailed-ballot election held in the Community Facilities District on July 19, 2005, by the qualified electors of the Community Facilities District upon the proposition hereinafter set forth
- B. The City Clerk has certified to the City Council the result of the votes cast at such special mailed-ballot election upon said proposition, which said certification is now on file in the office of the City Clerk of the City of Sacramento;

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. All of the above background statements are true and correct, and the City Council so finds and determines.
- Section 2. The canvass of the votes cast in the Community Facilities District at the special mailed-ballot election held in the Community Facilities District on July 19, 2005, as shown by said certification, is hereby approved and confirmed.
- Section 3. At such special mailed-ballot election in the Community Facilities District the following proposition was submitted to the qualified voters of the Community Facilities District and the number of votes cast in the Community Facilities District for and against such proposition, as set forth in said canvass, is as follows:

MEASURE (A): Shall the City of Sacramento College Square Community Facilities District No. 2005-01 be authorized to finance the acquisition and construction of public facilities generally constituting water improvements, drainage improvements, storm water treatment facilities, sewer improvements, dry utilities, road improvements and associated soft costs of fees and expenses, together with financing authorized development fees related to public improvements in the Community

Facilities District, by incurring a bonded indebtedness in the principal amount of thirteen million dollars (\$13,000,000); and shall an appropriations limit in the amount of one million nine hundred fifty thousand dollars (\$1,950,000) per fiscal year in connection therewith be established for the Community Facilities District; and shall a special tax with a maximum rate and method of apportionment as provided in Resolution No. 2005-____ adopted by the Council of the City of Sacramento on June 21, 2005, which is incorporated herein by reference, be levied to pay for the acquisition and construction of such facilities and the payment of such fees, including the payment of principal of and interest on such bonds and including the repayment of funds advanced for the Community Facilities District?

- Section 4. The total number of votes cast in the Community Facilities District at such special mailed-ballot election for and against such proposition was and is set forth in said canvass.
- Section 5. At least two-thirds (2/3) of all the votes cast at such special mailed-ballot election was cast in favor of such proposition, and such proposition carried, and the Community Facilities District has been duly organized and is duly authorized to finance the public facilities and the payment of fees set forth in said proposition and to incur the bonded indebtedness set forth in said proposition and to levy the special tax set forth in said proposition.
- Section 6. The City Clerk of the City of Sacramento is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such special mailed-ballot election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the Streets and Highways Code of the State of California.

Adopted by the City of Sacramento City Council on July 21, 2005, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Mayor Heather Fargo

Attest:

Shirley Concolino, City Clerk

ORDINANCE NO

Adopted by the Sacramento City Council

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SACRAMENTO LEVYING A SPECIAL TAX FOR THE FISCAL
YEAR 2006-2007 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND
RELATING TO THE CITY OF SACRAMENTO COLLEGE SQUARE COMMUNITY
FACILITIES DISTRICT NO. 2005-01**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

SECTION 1. Pursuant to Government Code Sections 53328 and 53340, and in accordance with the Rate and Method of Apportionment of Special Tax as shown in Exhibit D to the Resolution Establishing the City of Sacramento College Square Community Facilities District No. 2005-01 (Resolution No. 2005-____ adopted by the Council on June 21, 2005) (the "Resolution"), a special tax is hereby levied on all taxable parcels within the City of Sacramento College Square Community Facilities District No. 2005-01, for the 2006-2007 fiscal year and for all subsequent fiscal years in the amount of the maximum authorized tax. This amount may be adjusted annually, subject to the maximum authorized special tax limit, by resolution of the Council.

SECTION 2. The Director of Development Services of the City of Sacramento (the "City") or his/her designee is authorized and directed, with the aid of the appropriate officers and agents of the City, to determine each year, without further action of the Council, the Improvement Special Tax Requirement and the Maintenance Special Tax Requirement (as those term are defined in Exhibit D of the Resolution and hereinafter collectively, the "Special Tax Requirements"), to prepare the annual special tax roll in the amount of the Special Tax Requirements in accordance with said Exhibit D and, without further action of the Council, to provide all necessary and appropriate information to the Sacramento County Auditor in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the special tax on the secured property tax roll of the County; provided, that as provided in the Resolution and Section 53340 of the California Government Code, the Council has reserved the right to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the City, including but not limited to, direct billing by the City to the property owners and supplemental billing.

- SECTION 3. The appropriate officers and agents of the City are authorized to make adjustments to the special tax roll prior to the final posting of the special taxes to the county tax roll each fiscal year, as may be necessary to achieve a correct match of the special tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.
- SECTION 4. The City agrees that, in the event the special tax is collected on the secured tax roll of the County, the County may deduct its reasonable and agreed charges for collecting the special tax from the amounts collected, prior to remitting the special tax collections to the City.
- SECTION 5. Taxpayers who have requested changes or corrections of the special tax and who are not satisfied with the decision of the Director of Development Services of the City (whether the Director of Development Services of the City simply disagrees with the taxpayer or feels that he/she is not authorized to consider the change requested) may appeal to the Council. The appeal must be in writing and fully explain the grounds of appeal, and must be based solely on the correction of mistakes in the levy based upon the status of the property, and no other appeals will be allowed. The Director of Development Services of the City shall schedule the appeal for consideration within a reasonable time at a Council meeting.
- SECTION 6. If for any cause any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this ordinance, and the application of the special tax to the remaining parcels, shall not be affected.
- SECTION 7. This ordinance shall take effect and be in force immediately as a tax measure.
- SECTION 8. The TITLE only of this Ordinance shall have been published at least once in a newspaper of general circulation published in the City of Sacramento, after being passed for publication of title by the Council, at least three days before the adoption of this Ordinance by the Council, pursuant to Section 32(c) of the Sacramento City Charter. It is hereby found that the Title of this Ordinance was published in The Daily Recorder, a newspaper of general circulation published in the City of Sacramento on _____, 2005.

Adopted by the City of Sacramento City Council on July 21, 2005, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Mayor Heather Fargo

Attest:

Shirley Concolino, City Clerk