Meeting Date: **12/10/2013**

Report Type: Consent

Report ID: 2013-00811

05

City of SACRAMENTO

City Council Report
915 I Street, 1st Floor
www.CityofSacramento.org

Title: (Pass for Publication) Curtis Park Village Community Facilities District No. 2013-03; Mailed Ballot Election Results and Ordinance to Levy Tax

Location: District 5

Issue: A mailed ballot election regarding the establishment of the Curtis Park Village Community Facilities District No. 2013-03 (District) was conducted pursuant to Mello-Roos Communities Facilities Law of 1982.

Recommendation: 1) Pass a Resolution determining the results of the special mailed-ballot election; 2) review an Ordinance levying a special tax solely within and relating to the Curtis Park Village Community Facilities District No. 2013-03; and 3) pass for publication the ordinance title as required by City Charter Section 32(c), with the ordinance to be adopted on December 17, 2013.

Contact: Diane Morrison, Program Specialist, (916) 808-7535; Mark Griffin, Program Manager, (916) 808-8788, Department of Finance

Presenter: None

Department: Finance

Division: Public Improvement Finance

Dept ID: 06001321

Attachments:

1-Description/Analysis
2-Background
3-Schedule of Proceedings
4-Resolution
5-Ordinance

City Attorney Review

Approved as to Form
Michael W. Voss
12/4/2013 12:07:02 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
John Colville
11/20/2013 3:02:45 PM

Approvals/Acknowledgements

Department Director or Designee: Dennis Kauffman - 12/3/2013 11:38:36 AM

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Description/Analysis

Issue: Under the conditions of approval for the Curtis Park Village Development Project (Project), the property owner initiated proceedings to create a community facilities district that will fund the maintenance of public improvements. Establishing the Curtis Park Village Community Facilities District No. 2013-03 (District) will satisfy the conditions by authorizing the City to levy special taxes in an amount sufficient to provide funding for maintenance and operation of drainage basin landscaping, water pump and aeration features, and the annual energy cost and maintenance of the above-City-standard lighting on the light-rail/Union Pacific pedestrian bridge.

On October 29, 2013, the City Council passed a resolution of intention to form the District. On December 3, 2013, the City Council passed a resolution to conduct a special mailed-ballot election with regard to formation of the District. The results of the election are detailed in the attached resolution.

Policy Considerations: The recommended action will fund energy and maintenance costs of above-standard-lighting on the pedestrian bridge and detention basin landscaping maintenance and operating costs within the Project.

Economic Impacts: This report does not have direct economic impacts.

Environmental Considerations:

California Environmental Quality Act (CEQA): Under the CEQA guidelines, formation of a district and continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability: There are no sustainability considerations applicable to the formation process or administration of a special district.

Committee/Commission Action: None

Rationale for Recommendation: By a unanimous vote, the property owner approved the levy of a special tax within the District. The attached ordinance will implement that approval in accordance with the Mello-Roos Community Facilities Act of 1982 (Government Code sections 53311-53368.3).

Financial Considerations: The property owners will pay all costs associated with the District. The maximum special tax for each Assessor's Parcel shall be the amounts shown below for Fiscal Year (FY) 2014-15.

Single-Family Residential Units	$ 54.00	Per Unit
Multi-Family Residential and Mixed Use Residential Units	$ 44.00	Per Unit
Final and Undeveloped Parcels	$810.00	Per Acre

A detailed explanation of the proposed special tax is in the Rate and Method of Apportionment, which is attached to the Resolution. No tax will be levied in FY 2013-14. The formation process sets the base rates, which are the amounts shown above. An actual levy is anticipated for FY 2014-15.

Emerging Small Business Development (ESBD): None. No goods or services are being purchased.

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Background

The Curtis Park Village project proposes to develop approximately 71.7 acres, which previously housed the rail yard operations center for the Western Pacific Railroad. The project site was rezoned from Heavy Industrial to include a shopping center, single-family, multi-family, and mixed-use residential, and open spaces.

The project site is located north of Sutterville Road, south and west of the existing Curtis Park neighborhood, and east of the Union Pacific Railroad/Regional Transit South Line.

At build-out, the site will be developed with 192 single-family and 335 multi-family residential units, as well as commercial/retail and office uses. Included in the multi-family residential will be 91 units for senior, affordable housing. The 3.6 acre detention basin is intended to be wet year round with a well, pump and aeration fountain. A small landscaped area around the basin will include shrubs, trees, and grass with an esplanade and benches. The District will maintain these basin features and landscaping as well as lighting that exceeds City standards on the pedestrian bridge over the rail lines.

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SCHEDULE OF PROCEEDINGS

CURTIS PARK VILLAGE COMMUNITY FACILITIES DISTRICT (CFD) NO. 2013-03

Oct. 15, 2013	City Clerk Certification of registered voters
Oct. 23, 2013	100% Consent waivers due to City
Oct. 29, 2013	City Council • Adopt Resolution of Intention (sets hearing date)
Oct. 30, 2013	Mail Notice of Hearing and Record Boundary Map
Nov. 24, 2013	City Clerk publish notice of Public Hearing
Dec. 03, 2013	City Council • Conduct Public Hearing • Resolution of Formation • Resolution Calling Special Election
Dec. 04, 2013	Mail Ballots
Dec. 06, 2013	Ballots Due
Dec. 10, 2013	**City Council** • **Adopt Resolution Declaring Results of Special Election** • **Pass for Publication Ordinance to Levy Tax**
Dec. 11, 2013	Record Notice of Special Tax
Dec. 17, 2013	City Council • Adopt Ordinance to Levy Special Tax

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RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING THE RESULT OF THE SPECIAL MAILED-BALLOT ELECTION HELD ON DECEMBER 6, 2013, WITHIN CURTIS PARK VILLAGE COMMUNITY FACILITIES DISTRICT NO. 2013-03

BACKGROUND:

A. The City Clerk has duly canvassed the votes cast by the qualified electors within Curtis Park Village Community Facilities District No. 2013-03 (the "**District**") at the special mailed-ballot election held within the District on December 6, 2013, upon the proposition set forth below.

B. The City Clerk has certified to the City Council the result of the votes cast at the special mailed-ballot election upon the proposition, and the certification is now on file in the City Clerk's office.

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

Section 1 The statements in paragraphs A and B of the Background are accurate.

Section 2 At the special mailed-ballot election, the following proposition was submitted to the qualified electors of the District:

> Shall the City of Sacramento Curtis Park Village Community Facilities District No. 2013-03 ("the CFD") be authorized to finance the maintenance and operation of drainage basin landscaping, water pump and aeration features, and the annual energy cost and maintenance of the above-City-standard lighting on the light rail/Union Pacific pedestrian bridge in the Curtis Park Village Development Project, as more fully described in Resolution No. 2013-0347 adopted by the City Council on October 29, 2013, and incorporated herein by reference; and shall an appropriations limit in the amount of $50,000 per fiscal year in connection therewith be established for the CFD; and shall a special tax with a maximum rate and method of apportionment as provided in Resolution No. 2013-0347 be levied to pay for maintenance services?

Section 3 The canvass of the votes cast at the special mailed-ballot election held in the District on December 6, 2013, as shown by the City Clerk's certification, is approved and confirmed.

Section 4 The total number of votes cast for and against the proposition at the special mailed-ballot election in the District, as set forth in the canvass, is as follows:

Total Votes: 72 Votes For: 72 Votes Against: 0

Section 5 More than two-thirds of all votes cast at the special mailed-ballot election were cast in favor of the proposition, and the proposition carried.

Section 6 The City Clerk is directed to enter this resolution on the minutes of the City Council, and that entry will constitute the official declaration of the result of the special mailed-ballot election. The City Clerk is further authorized and directed to record a notice of special-tax lien in accordance with Streets and Highways Code section 3114.5.

Section 7 Exhibit A is part of this resolution.

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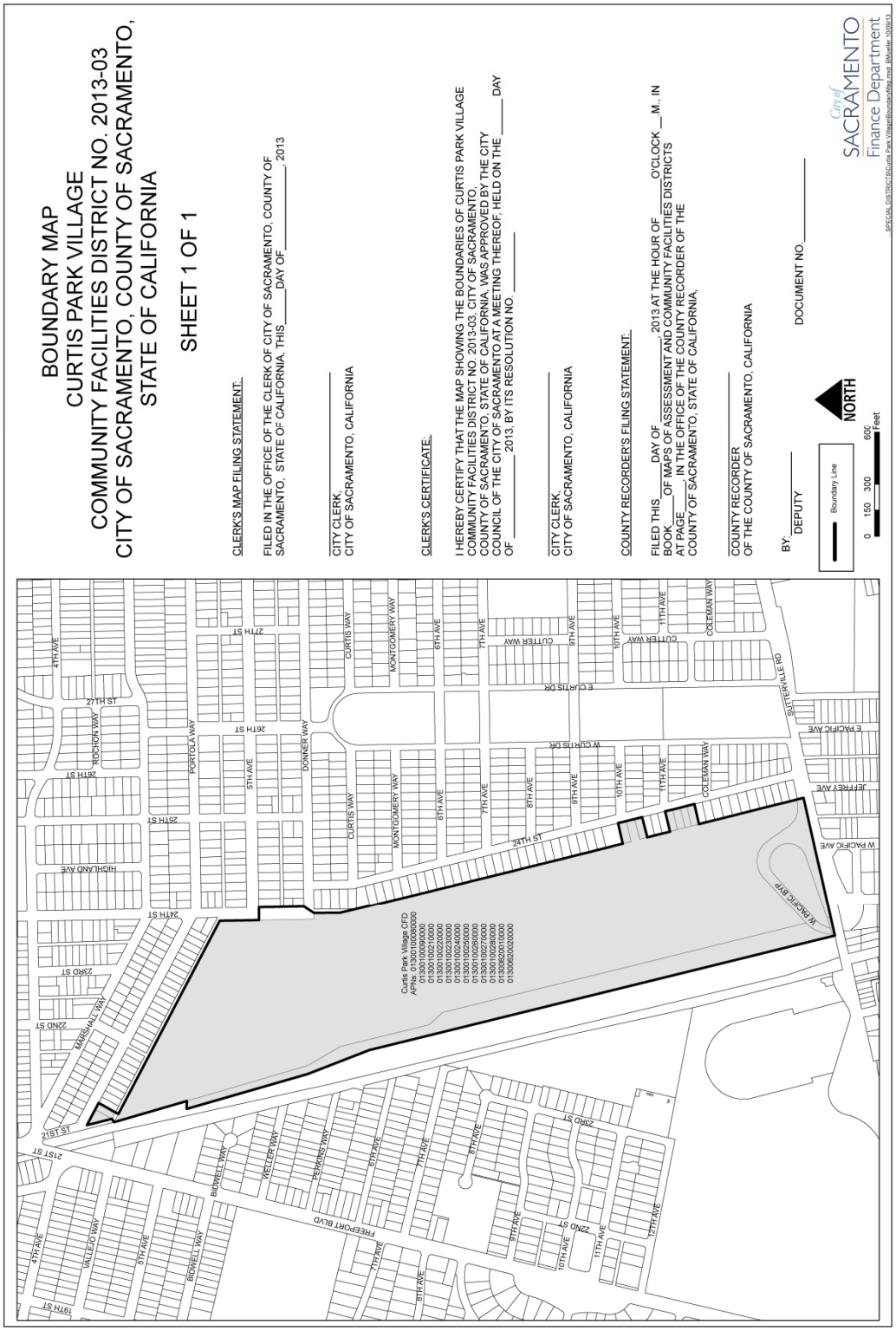
Exhibit A: Boundary Map

Exhibit A
Boundary Map



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ORDINANCE NO.

Adopted by the Sacramento City Council

LEVYING A SPECIAL TAX FOR THE PROPERTY-TAX YEAR 2014-2015 AND FOLLOWING TAX YEARS SOLELY WITHIN AND RELATING TO THE CURTIS PARK VILLAGE COMMUNITY FACILITIES DISTRICT NO. 2013-03 FOR THE MAINTENANCE OF AREAS IN AND AROUND THE CURTIS PARK VILLAGE DEVELOPMENT PROJECT

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

1. On December 3, 2013, the City Council adopted Resolution No. 2013-0390 (the **"Resolution"),** thereby establishing the Curtis Park Village Community Facilities District No. 2013-03 (the "District").

2. In accordance with section 53328 and 53340 of the California Government Code (the **"Code")** and the Rate and Method of Apportionment of Special Tax attached as Exhibit B to the Resolution (the **"RMA"**), a special tax is hereby levied on all taxable parcels within the District for the 2014-2015 tax year and for all subsequent years in the amount of the maximum authorized tax. This amount may be adjusted annually by resolution of the City Council, subject to the maximum authorized special tax limit.

3. The Manager of the Public Improvement Finance Division of the Finance Department or his or her designee (the **"Manager"),** with the aid of the appropriate officers and agents of the City and without further action by the City Council is authorized and directed (a) to calculate the Special Tax Requirement (as required in section 5 of the RMA) each year; (b) to prepare the annual special-tax roll in the amount of the Special Tax Requirement in accordance with the RMA; and (c) to provide to the Sacramento County Auditor-Controller all information in proper form, and in proper time, that is necessary and appropriate to effect the correct and timely billing and collection of the special tax on the secured property-tax roll of Sacramento County (the **"County").** As provided in section 53340 of the Code and in the RMA, the special tax is to be collected in the same manner and at the same time as ad valorem taxes.

4. The appropriate officers and agents of the City are authorized to make adjustments to the special-tax roll before the final posting of the special taxes to the County tax roll each year, as may be necessary to achieve a correct match of the special tax levy with the assessor's parcel numbers used by the County in sending out property-tax bills. The County may deduct its reasonable and agreed

charges for collecting the special tax from the amounts collected, before remitting the special tax collections to the City.

5. Any taxpayer may contest the levy of the special tax by filing a written notice of appeal in accordance with section 7 of the RMA, which is supplemented as follows:

   a. The Manager shall serve as the CFD Administrator for purposes of section 7 of the RMA.

   b. A taxpayer may file a notice of appeal with the Manager not more than two years after the end of the tax year for which the taxpayer is contesting the levy, and the taxpayer's failure to do so within that time constitutes a bar to appeal. The notice of appeal must specify in detail the grounds of the appeal, which are limited to (1) clerical errors in assigning an amount of tax to a parcel and (2) an error in defining the use of a parcel or its classification. No other appeals are allowed.

   c. Not more than 30 days after an appeal is filed, the Manager shall review the appeal, meet with the taxpayer (if necessary), and mail the taxpayer a written decision on the appeal. If the Manager finds that the special tax should be modified, then the Manager shall correct the special-tax levy or grant the taxpayer a credit against the next year's special-tax levy, as appropriate under the circumstances. The Manager's failure to timely mail a written decision will constitute a decision denying the appeal.

   d. If the taxpayer disagrees with the Manager's decision, and if the taxpayer is current on payments of the special tax, then the taxpayer may appeal to the City Council by filing a written notice of appeal with the City Clerk not more than 30 days after the Manager mails the notice of decision or has failed to timely mail a written decision, and the taxpayer's failure to do so constitutes a bar to further appeal. The notice of appeal must specify in detail the grounds of appeal. The City Council shall, in accordance with chapter 1.24 of the City Code, either hear the appeal itself or refer the appeal to a hearing officer. The hearing on the appeal from the Manager's decision is to be conducted not more than 30 days after the taxpayer files the appeal with the City Council, and the City Council or the hearing officer, as appropriate, shall mail a written decision to the taxpayer not more than 30 days after the hearing concludes. The decision of the City Council or the hearing officer will be final for all purposes. The failure of the City Council or the hearing officer to hear the appeal or to render a decision within the specified time will constitute a denial of the appeal.

6. The filing of an appeal under section 5 will not relieve the taxpayer of the obligation to pay the special tax when due.

7. If for any reason a court with jurisdiction finds any portion of this ordinance to be invalid or finds the special tax to be inapplicable to any particular parcel, then the balance of this ordinance and the application of the special tax to the remaining parcels will not be affected.

8. In accordance with section 32(c) of the City Charter, after the City Council has passed this ordinance for publication the City Clerk shall have the title of this ordinance, and only the title, published at least once in a newspaper of general circulation that is published in the City and designated by the City Council as the official newspaper of the City, with the publication to occur at least three days before the City Council adopts this ordinance.