



RESOLUTION NO. 2022-174

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF FRESNO DECLARING THE RESULTS OF THE
MAJORITY PROTEST PROCEEDINGS AND
RENEWING THE DOWNTOWN FRESNO PROPERTY
AND BUSINESS IMPROVEMENT DISTRICT AND
AUTHORIZING THE LEVY OF DISTRICT
ASSESSMENTS

WHEREAS, the Property and Business Improvement District Law of 1994, (California Streets and Highway Code section 33600 et seq.) (the "PBID Law") authorizes the City of Fresno to renew the Downtown Fresno Property and Business Improvement District ("DFPBID") within the City of Fresno; and

WHEREAS, the owners of property within the boundaries of the DFPBID have submitted petitions asking that the City Council renew the DFPBID and included with the petitions a summary of the Management District Plan, that describes the proposed assessment to be levied on property within the DFPBID to pay for the following activities and improvements: economic enhancements, clean and safe initiatives, Fulton Zone Activation, and related Management and Administration; and

WHEREAS, on May 26, 2022, pursuant to Streets and Highways Code Section 36621, the City Council was presented with executed petitions, in the form on file with the City Clerk, by certain property owners seeking renewal of the DFPBID for the purpose of the activities and improvements and the amounts of the proposed assessment as described and set forth in the DFPBID Engineer's Report and Management Plan Summary on file with the City Clerk, and approved



Resolution No. 2022-129 Declaring the Intention to Renew the Downtown Fresno Property and Business Improvement District; and

WHEREAS, at 9:00 AM, on June 2, 2022, the City Clerk mailed to each record owner of each parcel within the DFPBID boundaries a notice concerning the public hearing on the renewal of the DFPBID and the proposed assessment. Each notice included the statutorily required information about the assessment and the majority protest procedure, as well as an assessment ballot; and

WHEREAS, the DFPBID Management District Plan, which satisfies all the requirements of Streets and Highways Code Section 36622, is on file with the City Clerk and makes reference to a map of the boundaries of the DFPBID, attached hereto as Attachment A and made a part of this resolution; and

WHEREAS, the assessed properties within the exterior boundaries of the DFPBID will receive special benefits from the activities and improvements to be funded by the proposed assessment, and have been designated "Downtown Fresno Property and Business Improvement District, City of Fresno, County of Fresno, State of California;" and

WHEREAS, at 9:00 AM, on July 21, 2022, in the City Council Chambers located at 2600 Fresno Street, Fresno, CA 93721, the City Council held a public hearing regarding the renewal of the DFPBID and the levy of the assessment, and during the public hearing the City Council heard and received all objections and protests to the renewal of the DFPBID and the proposed assessment, and at the conclusion of the hearing and in accordance with Government Code section 53753, the City Clerk tabulated the assessment ballots submitted and not withdrawn and



determined that the assessment represented by the assessment ballots submitted and not withdrawn in opposition to the proposed assessment did not exceed the assessment represented by ballots submitted and not withdrawn in favor of the proposed assessment, with ballots weighted according to the amount of the assessment to be imposed upon the parcel or parcels for which each ballot was submitted, and that therefore a majority protest against the proposed assessment does not exist; and

WHEREAS, all actions and proceedings described in the foregoing Recitals were undertaken and completed in accordance with the PBID Law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Recitals Adopted as Findings. The City Council finds that foregoing Recitals are each and all true and adopts them as findings.

2. Renewal of the Downtown Fresno Property and Business Improvement District.

a. The Plan dated June 24, 2022, is hereby adopted and approved. The Plan reflects corrected parcel data. The DFPBID is hereby renewed and the assessment levied for a ten-year term beginning January 1, 2023 through December 31, 2032.

b. The activities and improvements to be provided for the DFPBID will be funded by the levy of an assessment on real property within the DFPBID as described in the DFPBID Management District Plan, which is on file with the City Clerk.



c. Properties within the DFPBID will be subject to any amendments to the PBID Law.

d. The revenue from the levy of the proposed assessment on properties within the DFPBID may not be used to provide activities or improvements outside the DFPBID or for any purposes other than those specified in the Resolution of Intention, the DFPBID Management District Plan, and this Resolution.

e. In accordance with Streets and Highways Code Section 36631 and the DFPBID Management Plan, the assessment to fund the activities and improvements for the DFPBID will be collected at the same time and in the same manner as are ad valorem property taxes and will have the same lien priority and penalties for delinquent payment. Parcels which do not receive a property tax bill may be invoiced directly by the City.

3. Bonds. Bonds shall not be issued by the DFPBID.

4. Boundaries. The boundaries of the DFPBID are depicted on the map attached as Attachment A.

5. Amount of Assessment. The initial annual assessment and the total amount of all special benefits to be conferred upon the properties in the DFPBID is anticipated to total \$778,672.91. This amount may be subject to an increase in the assessment rate of no more than three percent (3%) per year. The assessment funds will be supplemented by non-assessment funds (such as grants and event income), so that the total budget for the initial year is estimated at \$812,961.28.



6. Assessment Rate. The annual cost to the parcel owner varies based on four factors: parcel type, benefit zone, parcel size, and building size. Parking refers to any parking garage or parking garage contained within or underneath of a building. The initial annual assessment rates are shown below. Assessment rates may be subject to an increase of no more than three percent (3%) per year as shown in the Plan. The Management District Plan (MDP) dated June 24, 2022, is now hereby adopted.

Parcel Type	Zone 1		Zone 2		Zone 3	
	Lot Size	Building Size	Lot Size	Building Size	Lot Size	Building Size
Commercial	\$0.026	\$0.013	\$0.114	\$0.057	\$0.156	\$0.077
Parking	\$0.026	\$0.0065	\$0.114	\$0.0285	\$0.156	\$0.039
Residential	\$0.0052	\$0.0026	\$0.08	\$0.04	\$0.13	\$0.064
Non-profit	\$0.0052	\$0.0026	\$0.08	\$0.04	\$0.13	\$0.064

7. Authorization. The City Manager or their designee is directed to take all necessary actions to complete the establishment of the DFPBID and to levy the assessment. The City Clerk is directed to record in the Fresno County Recorder's office a notice and assessment diagram as required by Streets and Highways Code Section 36627. The City Clerk is further directed to certify the passage and adoption of this Resolution and to enter it in the book of original resolutions.

8. This resolution shall be effective upon final approval.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 21st day of July, 2022.

AYES : Karbassi, Maxwell, Chavez, Bredefeld, Esparza
NOES : None
ABSENT : None
RECUSED : Arias, Soria

Mayor Approval: July 27th, 2022
Mayor Approval/No Return: NA, 2022
Mayor Veto: NA, 2022
Council Override Vote: NA, 2022

TODD STERMER, CMC
City Clerk

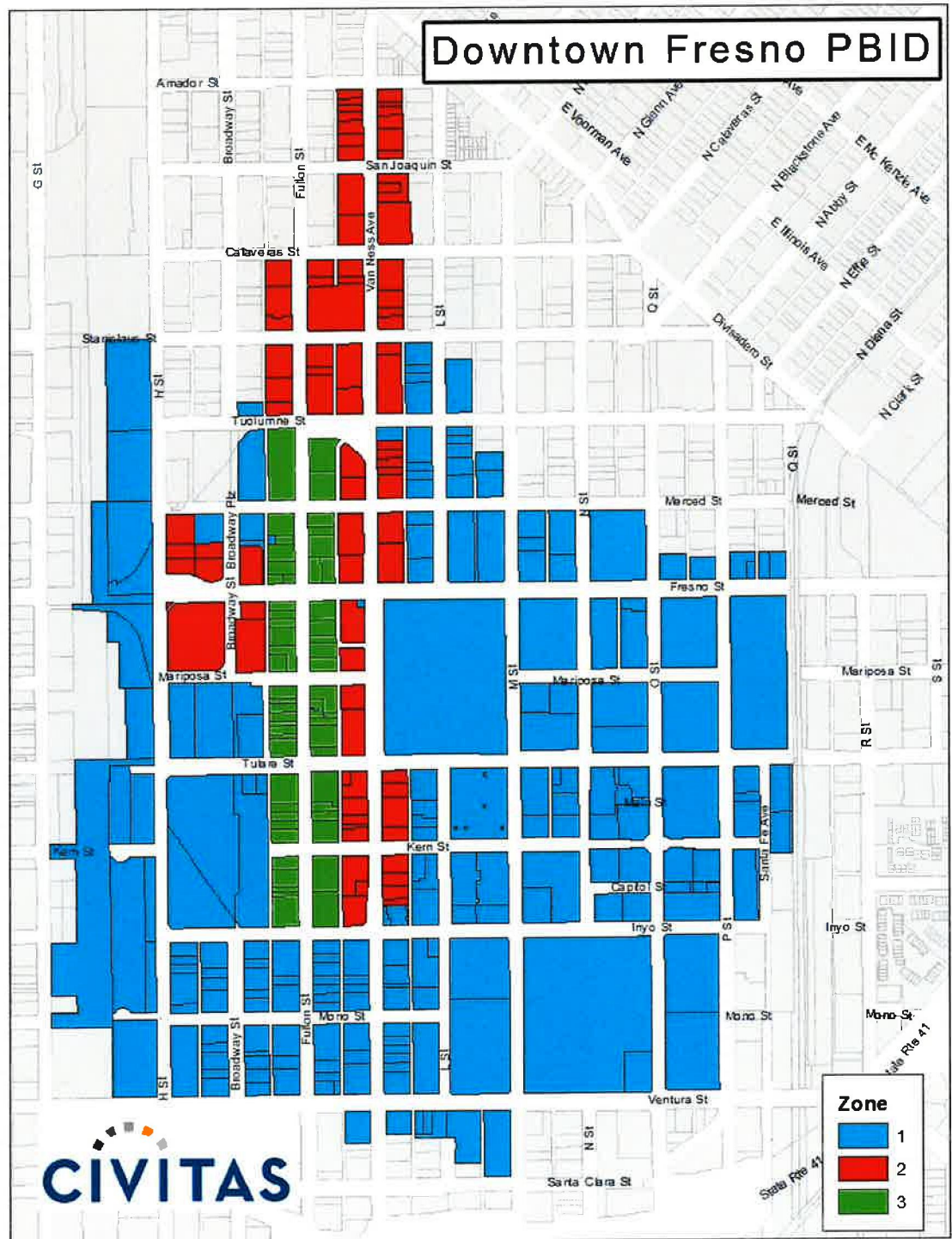
By:  7-28-2022
Deputy Date

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

By:  7/28/22
Taylor W. Rhoan Date
Deputy City Attorney



Exhibit A
Boundary Map





July 22, 2022

Council Adoption: 07/21/2022

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR JERRY DYER

FROM:  TODD STERMER, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of July 21, 2022, Council adopted the attached Resolution No. 2022-174 *****RESOLUTION - Declaring the results of the majority public hearing proceedings and renew the Downtown Fresno PBID and authorize the levy of district assessments. (Subject to Mayor's Veto).** Item 10:00 AM #4, File ID 22-1157, by the following vote:

Ayes : Karbassi, Maxwell, Chavez, Bredefeld, Esparza
Noes : None
Absent : None
Recused : Arias, Soria

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before August 1, 2022. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

APPROVED /NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)



Jerry Dyer, Mayor

COUNCIL OVERRIDE ACTION:

Ayes :
Noes :
Absent :
Abstain :

Date: 7/27/22

Date: _____

CITY OF FRESNO
CITY CLERK'S OFFICE

2022 JUL 27 PM 1:56

RECEIVED