



Legislation Details (With Text)

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Title: HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 10 (Conditional Use Permit Application No. 2015-137) (Southeast corner of N. Fresno Street and E. Herndon Avenue) (Council District 6)
1. RESOLUTION - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax
2. RESOLUTION - Calling Special Mailed-Ballot Election
3. RESOLUTION - Declaring Election Results
4. ***BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2015-2016 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 10, Conditional Use Permit Application No. 2015-137

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. C-15 -137 Annex10 Location Map.pdf, 2. C-15-137 Annex10 Features.pdf, 3. CUP 2015-137 Annex10 HRG Documents.pdf

Date	Ver.	Action By	Action	Result
5/19/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

May 19, 2016

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

THROUGH: ANDREW J. BENELLI, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division

BY: ANN LILLIE, Senior Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT

HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 10 (Conditional Use Permit Application No. 2015-137) (Southeast corner of N. Fresno Street and E. Herndon Avenue) (Council District 6)

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RECOMMENDATIONS

1. Adopt Resolution Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax
2. Adopt Resolution Calling Special Mailed-Ballot Election
3. Adopt Resolution Declaring Election Results
4. Adopt Ordinance Levying a Special Tax for the Property Tax Year 2015-2016 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 10, Assessor's Parcel Numbers 408-070-23, 32 and 33

EXECUTIVE SUMMARY

On April 21, 2016, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2016-48 with the intent to annex territory to Community Facilities District No. 9 ("CFD No. 9") at the request of the landowner of Assessor's Parcel Numbers 408-070-23, 32 and 33. This is the noticed public hearing to consider annexing Assessor's Parcel Numbers 408-070-23, 32 and 33 as Annexation No. 10 to CFD No. 9 to provide funding for the operation and reserves for maintenance ("Services") pertaining to the landscaping and irrigation systems, concrete curbs and gutters, valley gutters, curb ramps and sidewalks, and street lighting within the City rights-of-way along the frontage of East Herndon Avenue and North Fresno Street. The cost for Services for these improvements totals \$4,515 annually for fiscal year 2015-2016. If approved, the recommended resolutions and ordinance will levy a Special Tax on the properties in Annexation No. 10 for identified Services. (See attached location map)

BACKGROUND

On December 16, 2008, the Council adopted Council Resolution No. 2008-351 forming CFD No. 9 to fund the Services for public improvements/areas that may benefit not only a particular subdivision or a portion of, but also the City of Fresno ("City") and the public at large, that serve a public purpose, and that are constructed or installed on public property or dedicated rights-of-way or easements. CFD No. 9 is to provide maintenance for certain regulatory required public improvements located within and adjacent to public streets on the perimeter of commercial, industrial and multi-family subdivisions as described and permitted by 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).

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 of services for certain required public improvements in the public rights-of-way along the perimeters of these developments.

The landowner has petitioned the City to have Assessor's Parcel Numbers 408-070-23, 32 and 33 annexed to CFD No. 9 to finance the Services pertaining to the landscaping and irrigation systems, concrete curbs and gutters, valley gutters, curb ramps and sidewalks, and street lighting within the City rights-of-way along the frontage of East Herndon Avenue and North Fresno Street. Pursuant to this petition, the Council adopted Council Resolution No. 2016-48, declared its intention to annex Assessor's Parcel Numbers 408-070-23, 32 and 33 to CFD No. 9, and set the public hearing for formal consideration.

Resolution No. 2016-48 also directed preparation of a District Report describing the Services and the costs of those services and this report is on file with the City Clerk of the City of Fresno.

If adopted by the Council, the attached ordinance would levy the proposed maximum special tax totaling \$4,515 annually for fiscal year 2015-2016. The Maximum Special Tax will be adjusted annually upward by 3% plus the rise, if any, in the Construction Cost Index for the San Francisco Region.

The levy of the special tax is subject to approval by the qualified electors through a special election. Two additional resolutions are attached for Council consideration pertaining to this special election.

Today's public hearing has been duly noticed and the attached resolutions and ordinance 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 territory.

Attachments:
Location Map
Resolutions (3)
Ordinance