



Legislation Details (With Text)

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Title: CONTINUED HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 15 (Conditional Use Permit No. 2015-191 Development) (southeast corner of N. Brawley and W. Herndon Avenues) (Council District 2)

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 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 15

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. C2015-191 Annex15 Location Map.pdf, 2. C2015-191 Annex15 HRG Annex-Levy.pdf, 3. C2015-191 Annex15 HRG EXHIBIT A Descrip Services.pdf, 4. C2015-191 Annex15 HRG Exhibit A, A-3.pdf, 5. C2015-191 Annex15 HRG EXHIBIT B RMA.pdf, 6. C2015-191 Annex15 HRG CallingElection.pdf, 7. C2015-191 Annex15 HRG DeclareResults.pdf, 8. C2015-191 Annex15 HRG Ordinance.pdf

Date	Ver.	Action By	Action	Result
4/13/2017	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

April 13, 2017

FROM: SCOTT L. MOZIER, PE, Director
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Public Works Department, Traffic and Engineering Services Division

SUBJECT

CONTINUED HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 15 (Conditional Use Permit No. 2015-191 Development) (southeast corner of N. Brawley and

W. Herndon Avenues) (Council District 2)

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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 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 15

EXECUTIVE SUMMARY

On March 16, 2017, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2017-68 with the intent to annex territory to Community Facilities District No. 9 ("CFD No. 9") at the request of the landowner of territory associated with the Conditional Use Permit No. 2015-191 Development. This is the noticed public hearing to consider annexing territory as Annexation No. 15 to CFD No. 9 to provide funding for the operation and reserves for maintenance ("Services") pertaining to the landscaping, trees and irrigation systems within the public street and trail easements, including the concrete curbs and gutters, valley gutter, sidewalks and curb ramps, asphalt concrete trail, expressway barrier fence, Brawley entrance traffic signal and street lighting as associated with this development. The total cost for Services is \$11,109.00 annually for Fiscal Year 2016-2017. If approved, the recommended resolutions and ordinance will levy a Special Tax on the properties in Annexation No. 15 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 the territory associated with the Conditional Use Permit No. 2015-191 Development annexed to CFD No. 9 to finance the Services for the landscaping, trees and irrigation systems within the public street and trail easements, including the concrete curbs and gutters, valley gutter, sidewalks and curb ramps, asphalt concrete trail, expressway barrier fence, Brawley entrance traffic signal and street lighting as associated with this development. Pursuant to this petition, the Council adopted Council Resolution No. 2017-68, declared its intention to annex territory to CFD No. 9, and set the public hearing for formal consideration.

Resolution No. 2017-68 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 of \$11,109.00 for Fiscal Year 2016-2017. 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.

The April 13th 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