



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 Number 9, Annexation Number 58 (Final Parcel Map Number 2007-41) (Northeast and Southeast corners of East Tulare Avenue and North Clovis Avenue) (Council District 5)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 58 (Subject to Mayor's Veto)
2. ***RESOLUTION - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. ***RESOLUTION - Declaring Election Results (Subject to Mayor's Veto)
4. ***BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 58 (Subject to Mayor's Veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 23-896 Location Map, 2. 23-896 Features Map, 3. 23-896 Resolution ANNEX-LEVY, 4. 23-896 Resolution CALLING ELECTION, 5. 23-896 Resolution DECLARING RESULTS, 6. 23-896 ORDINANCE, 7. ID 23-896 (A) Supplement for Special Meeting

Date	Ver.	Action By	Action	Result
6/5/2023	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

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

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

BY: ADRIAN GONZALEZ, Senior Engineering Technician
Public Works Department, Land Planning Section

SUBJECT

HEARING to adopt Resolutions and Ordinance to Annex Territory and Levy a Special Tax regarding City of Fresno Community Facilities District Number 9, Annexation Number 58 (Final Parcel Map Number 2007-41) (Northeast and Southeast corners of East Tulare Avenue and North Clovis Avenue) (Council District 5)

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RECOMMENDATIONS

1. Adopt Resolution to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 58,
2. Adopt Resolution Calling Special Mailed-Ballot Election,
3. Adopt Resolution Declaring Election Results, and
4. Adopt Ordinance Levying a Special Tax for the Property Tax Year 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 58.

EXECUTIVE SUMMARY

On May 18, 2023, the Council of the City of Fresno (Council) adopted Council Resolution No. 2023-144 with the intent to annex territory to Community Facilities District No. 9 (CFD No. 9) at the request of the landowner (Fancher Creek Town Center, LLC) of Final Parcel Map No. 2007-41 (86 Acre Commercial Development). This is the noticed public hearing to consider annexing the Final Parcel Map No. 2007-41 as Annexation No. 58 to CFD No. 9 to provide funding for the Services (as hereafter defined) pertaining to certain above ground public improvements associated with this Development. The cost for Services totals \$1,632.25 per acre annually for Fiscal Year 2022-2023. If approved, the recommended resolutions and ordinance will levy a Special Tax on the properties within the boundaries of Annexation No. 58 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 Final Parcel Map No. 2007-41 annexed to CFD No. 9 to provide funding for the operation and reserves for maintenance (Services) pertaining to certain above ground public improvements located within City public street easements. These

improvements may include landscaping, trees, and irrigation systems; concrete curbs and gutters, valley gutters, median curbs and hardscaping, sidewalks and curb ramps; trail or park amenities, street name signage, street lighting, and local street paving as associated with this development. Pursuant to this petition, the Council adopted Council Resolution No. 2023-144, declared its intention to annex Final Parcel Map No. 2007-41 to CFD No. 9, and set the public hearing for formal consideration.

Council Resolution No. 2023-144 also directed the 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 \$1,632.25 per acre annually for Fiscal Year 2022-2023. The Maximum Special Tax will be adjusted upward annually by 2% or by the rise of the Construction Cost Index (CCI) if it exceeds 2% 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

Pursuant to the definition in California Environmental Quality Act Guidelines Section 15378, this action is not a project.

LOCAL PREFERENCE

Local preference was not implemented, as this item 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.

Attachment(s):

Location Map

Features Map

Resolution Annex-Levy

Resolution Calling Election

Resolution Declaring Results

Ordinance