



City of Rialto

Legislation Text

File #: CC-19-134, Version: 1

For City Council Meeting [January 29, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Interim City Administrator

FROM: Robb R. Steel, Assistant CA/Development Services Director

Request City Council to Open Public Hearing and then Continue the Public Hearing to February 12, 2019 to: (1) Adopt Resolution No. ____ stating intention to annex to the CFD and calling hearing; (2) Hold Hearing, (3) Adopt Resolution No. _____, Authorizing the Annexation of Territory to Community Facilities District No. 2016-1 (Public Services) (Annexation No. 2) and Authorizing the Levy of a Special Tax and Submitting the Levy of Tax to the Qualified Electors; and Adopt Resolution No. 7445, Calling a Special Election and Submitting to the Voters of Annexation No. 2 of City of Rialto Community Facilities District No. 2016-1 (Public Services) Propositions Regarding the Annual Levy of Special Taxes within Annexation No. 2 to Finance Public Services, and the Establishment of an Appropriations Limit; (4) Following Adoption of Resolutions in No. 3 above, Hold Election by Opening Ballots; (4) Following Election, if more than 2/3 of landowners vote in favor, Adopt Resolution No. 7446, Making Certain Findings, Certifying The Results Of An Election And Adding Property To Community Facilities District No. 2016-1 (Public Services), Annexation No. 2.

(ACTION)

BACKGROUND:

On January 8, 2019, the City Council conducted a public hearing to annex the Etiwanda Homes Project by 642 N. Linden LLC ("Developer") into Community Facilities District 2016-1 to mitigate the fiscal impacts of this 8 unit subdivision upon the City General Fund. When the City Clerk tallied the ballots, the property owner voted against annexation into the District. The City Council staff report is attached as **Exhibit A**.

ANALYSIS/DISCUSSION:

The Developer was required to annex into the District as a condition of project approval. Consequently, the City cannot grant certificates of occupancy for the completed project. When contacted, the Developer stated that he erroneously submitted a negative vote on annexing to the District, and requested opportunity to reconsider. Staff consulted with legal counsel and advised the Developer to complete the following steps:

1. Receive from Developer a "Petition to Annex Real Property to City of Rialto Community Facilities District No. 2016-1 (Public Services) And Consent And Waiver With Respect To Certain Related Matters. The property owner (a) consents to annexation into the CFD, (b) confirms that it is the 100% property owner, (3) waives all proceedings for annexation including time periods, etc., notice of election, form of election, form of ballot, any time periods (and anything else they waived in their initial waiver) and requesting all proceedings happen

on the same date (i.e. resolution of intention to annex, hearing and election) and (4) requests the proceedings, hearing and election be held on January 29, 2019, or such later time as the matter may be heard.

2. Since the Developer scheduled closings prior to the new hearing, then the new property owners will also need to sign the Petition and submit a ballot.

The executed Petitions from the Developer and the one current homeowner are attached hereto as **Exhibit B**.

The foregoing Resolutions, hearing and election will allow the property owners to take all proceedings for annexation of its property by the City Council on one date.

ENVIRONMENTAL IMPACT:

Not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY:

This action is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW:

The City Attorney has reviewed and approved this staff report.

FINANCIAL IMPACT:

Operating Budget Impact

The total annual financial impact associated with the approval of this item is \$2,373.12 in special tax revenue. The CFD special tax of \$296.64 per unit for the 8 SFR properties will be added to the property tax rolls for payment by each homeowner. The City will deposit the annual levies into the General Fund, and the City Council may then budget public service enhancements. The developer pays for the costs associated with the annexation.

The Developer has agreed to reimburse the City for its costs related to the reconsideration of this request.

Capital Improvement Budget Impact

The annexation has no impact to the capital improvement budget

Business Licensing

There is no business license required because of this action.

RECOMMENDATION:

Staff recommends that the City Council open the public hearing, then continue the public hearing until February 12, 2019, when it will consider the Petitions from the current and prospective property owners before:

- Adopt Resolution of Intention to Annex to the CFD 2016-1 and call a public hearing for January 29, 2019 (**Exhibit C**);
- Conducting a Public Hearing for Annexation No. 2 to CFD 2016-1;
- Adopting a Resolution Authorizing the Annexation of Territory to CFD 2016-1 (**Exhibit D**);
- Adopting a Resolution Calling a CFD Special Election (**Exhibit E**);
- Conducting a CFD Special Election; Open and Count Ballots;
- Adopting a Resolution Certifying Special Election Results (**Exhibit F**).