



Legislation Text

File #: 20-336, **Version:** 1

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SUBJECT: Continued Public Hearing to Consider the Annexation of Certain Property into CFD No. 2003-2 (Services), Calling and Holding a Special Election for Annexation No. 13 into Community Facilities District (CFD) No. 2003-2 (Services) for the PG&E Service Center; Canvassing the Results of the Election Held within Annexation No. 13 of Said District and Authorizing the Levy of a Special Tax Within Said Annexation No. 13

REPORT IN BRIEF

Hold a public hearing and election for annexation into Community Facilities District No. 2003-2 (Services) for the PG&E Service Center generally located at the northeast corner of Childs Avenue and Kibby Road.

RECOMMENDATION

City Council - Complete the following items in order:

- A. Hold a Public Hearing on the annexation of certain property into the CFD and the levy of special taxes; and,
- B. Adopt **Resolution 2020-59**, a Resolution of the City Council of the City of Merced, acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced determining the validity of prior proceedings, calling a special election related to Annexation No. 13; and,
- C. Hold an election; and,
- D. Adopt **Resolution 2020-60**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced canvassing the results of the election held within Annexation No. 13 of said District; and,
- E. Adopt **Resolution 2020-61**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced annexing Annexation No. 13 to said district and authorizing the levy of a special tax within said Annexation No. 13.

ALTERNATIVES

- 1. Hold the public hearing and approve the actions as recommended by staff; or,
- 2. Continue the public hearing and request modification or amendment of the documents and provide direction to City staff regarding the same; or,

3. Hold the public hearing and decline to authorize action as recommended.

AUTHORITY

Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code (the "Act"), commonly known as the "Mello-Roos Community Facilities Act of 1982," and the City's Policy on new development.

DISCUSSION

Pursuant to the Act and the City's policies, on March 16, 2020, the City Council, acting as the Legislative Body of the CFD, declared its intention to annex certain property to the Community Facilities District (CFD) No. 2003-2 (Services) for the PG&E Service Center (Attachment 1) (the "Development"). Also, on March 16, 2020, the City Council accepted a "Petition to Annex" from the owner/developer, PG&E. The services to be provided by the CFD may include all or a portion of the following: police and fire protection services, maintenance of parks, landscaping, parkways, open space and storm drain maintenance, and other services authorized or to be authorized by the Act and the City's Municipal Code. The annexation to the CFD is a condition of approval of the Site Plan Review Permit for the PG&E Service Center generally located at the northeast corner of Childs Avenue and Kibby Road (Attachment 1).

In accordance with the Act, a map of the proposed boundaries of Annexation No. 13 was recorded with the County Recorder's Office (Attachment 2).

A public hearing was opened at the City Council meeting of August 17, 2020. No one spoke on this matter. Per the applicant's request, the public hearing was continued to the meeting of September 21, 2020.

The public hearing for this evening will involve a number of specific steps that must be completed in order. City staff will outline those steps in order for the City Council at the start of the public hearing. In general, those steps will include the following: 1) Provided there is no majority protest at the close of the public hearing, the City Council may call a special election for this evening for the annexation to the CFD of Annexation No. 13; 2) The special election will ask the Developer to authorize: (a) the annexation to the CFD of Annexation No. 13; and, (b) the levy of an annual special tax within Annexation No. 13; 3) The Developer has submitted a sealed ballot to the City Clerk (the election official). Should the proposition pass with a two-thirds vote from the qualified voters (the landowner) as shown in the resolution canvassing the vote, the City may adopt the resolution of annexation.

The participating developer shall be responsible for the costs of annexation and has provided a deposit to cover those costs.

IMPACT ON CITY RESOURCES

The annexation of the property in CFD No. 2003-2 (Services) would allow a special tax to be levied on this property to cover the maintenance costs for landscaping in the public right-of-way, storm drain and pump maintenance, and street light maintenance, as well as a portion of the costs for Police and Fire services to the area. The property owner would be responsible for all maintenance costs until at least 50% of the development has been completed and sufficient funds have been collected by the CFD. At that point, the City would take over the maintenance to be funded by the CFD.

ATTACHMENTS

1. Location Map
2. Boundary Map
3. Draft Resolution Determining the Validity of the Prior Proceedings
4. Draft Resolution Canvassing the Results of the Election
5. Draft Resolution Annexing Annexation No. 13 into CFD No. 2003-2 (Services)
6. Presentation