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Title: RESOLUTION - Of Intention to Annex the Territory Known as Assessor’s Parcel Numbers 504-092-34S, 504-092-38S, and 504-092-42S (El Paseo Phase II Development) as Annexation No. 35 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, July 16, 2020, at 10:00 am (southwest side of North Riverside Drive, south of West Herndon Avenue) (Council District 2)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 20-00786 Location Map, 2. 20-00786 Resolution of Intention

Date	Ver.	Action By	Action	Result
6/18/2020	1	City Council		adopted

REPORT TO THE CITY COUNCIL

June 18, 2020

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

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

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

SUBJECT

RESOLUTION - Of Intention to Annex the Territory Known as Assessor’s Parcel Numbers 504-092-34S, 504-092-38S, and 504-092-42S (El Paseo Phase II Development) as Annexation No. 35 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, July 16, 2020, at 10:00 am (southwest side of North Riverside Drive, south of West Herndon Avenue) (Council District 2)

RECOMMENDATION

Adopt Resolution of Intention to Annex the Territory known as Assessor’s Parcel Numbers 504-092-34S, 504-092-38S, and 504-092-42S (El Paseo Phase II Development) as Annexation No. 35 to the City of Fresno Community Facilities District No. 9 (CFD No. 9).

EXECUTIVE SUMMARY

The landowners have petitioned the City of Fresno (City) to have Assessor's Parcel Numbers 504-092-34S, 504-092-38S, and 504-092-42S annexed to CFD No. 9 to provide funding for the Services (as hereinafter defined) pertaining to certain above ground public improvements associated with this development. The cost for these Services for the public improvements totals \$8,604.00 annually for Fiscal Year 2020-2021. Annexation No. 35 is located entirely within City limits. The Resolution of Intention begins the process, sets the required public hearing for Thursday, July 16, 2020, at 10:00 am, and defines the steps required to complete the annexation. (Reference attached Location Map.)

BACKGROUND

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 for services for certain required public improvements along the perimeters of these developments. On December 16, 2008, the Council of the City of Fresno adopted Council Resolution No. 2008-351, forming CFD No. 9 to provide funding for the Services for certain public improvements located within and adjacent to public streets on the perimeter of commercial, industrial, and multi-family subdivisions as described and permitted pursuant the Goals and Policies for CFD No. 9 and 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).

The landowner has petitioned the City to have Assessor's Parcel Numbers 504-092-34S, 504-092-38S, and 504-092-42S (El Paseo Phase II Development) 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 easements associated with this development. These improvements may include landscaping, trees, and irrigation systems; concrete curbs and gutters, valley gutters, median capping and maintenance band, sidewalks and curb ramps, and street lighting. (Reference attached Location Map.)

Assessor's Parcel Numbers 504-092-34S, 504-092-38S, and 504-092-42S (El Paseo Phase II Development) are located entirely within City limits.

The attached Resolution of Intention initiates the annexation process, sets the public hearing for Thursday, July 16, 2020, at 10:00 am, sets the Maximum Special Tax at a total of \$8,604.00 to be apportioned proportionately for each assessor's parcel within Annexation No. 35 annually for fiscal year 2020-2021, and that the Maximum Special Tax may be adjusted annually at the discretion of the City at +3% plus the increase, if any, in the Construction Cost Index for the San Francisco Region.

Annexations to existing community facilities districts are permitted under City Law. The legislative body must follow certain prescribed procedures as outlined below:

- Adoption of a Resolution of Intention to Annex to CFD No. 9
- Required 7-day minimum Notice of Public Hearing
- Public hearing on Annexation and Levy of Special Tax

- Call a Special Mailed-Ballot Election on the proposed Special Tax
- Declare the Results of the Election
- Formal Adoption of Special Tax Levy (if election passes)

The attached Resolution has been approved as to form by the City Attorney's Office.

ENVIRONMENTAL FINDINGS

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378 this action does not qualify as a "project" and is therefore exempt from CEQA requirements.

LOCAL PREFERENCE

Local preference was not considered since 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 will be borne by the landowner as set forth in Exhibit D of the Resolution of Intention attached herein.

Attachments:

Location Map

Resolution of Intention