

RESOLUTION NO. 2023-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO ANNEX NEW TERRITORY AND LEVY FISCAL YEAR 2023-24 ASSESSMENTS FOR THE CONSOLIDATED CITYWIDE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT AND SETTING JULY 17, 2023 AS THE DATE FOR THE PUBLIC HEARING ON THE MATTER

WHEREAS, the City of Pomona established its first Street Lighting and Landscape Assessment District over 35 years ago, followed by several additional districts before establishing one Consolidated Citywide Street Lighting and Landscaping Maintenance District in 1990; and

WHEREAS, the current Consolidated Citywide Street Lighting and Landscaping Maintenance District is comprised of nine (9) Benefit Zones for the benefit of maintaining specific landscaping and street lighting improvements; and

WHEREAS, on March 20, 2023, the City Council of the City of Pomona, pursuant to the terms and provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, adopted Resolution 2023-42 authorizing David Taussig and Associates (DTA) as the Engineer of Record and ordering the preparation of an Engineer's Report for the Annual Levy of Fiscal Year 2023-24 Assessments, consisting of plans and specifications, an estimate of the cost, a diagram of the area proposed to be annexed, a diagram of the District, and assessments relating to what is now known and designated as:

CITY OF POMONA CONSOLIDATED CITYWIDE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT

WHEREAS, the City Council desires to annex 136 new parcels and levy Fiscal Year 2023-24 assessments for the existing Consolidated Citywide Street Lighting and Landscaping Maintenance District (District), in accordance with the terms and provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 of the Streets and Highways Code of the State of California; and

WHEREAS, the City Council has carefully examined and reviewed the Preliminary Engineer's Report, as presented, which is on file with the Office of the City Clerk, and is satisfied with all of the items and documents set forth therein, and is satisfied that the assessments have been distributed in accordance with the proportional benefits received and maintenance to be performed throughout the District; and

WHEREAS, satisfied with the Assessment Diagram and assessment proportionality, the City Council has approved the "Engineer's Report" as required by law, and desires to proceed with adopting a Resolution of its Intention to annex additional parcels and levy Fiscal Year 2023-24 assessments and set the date, time and place to conduct the public hearing on this matter; and

WHEREAS, California Government Code Section 22625 requires a public hearing regarding the proposed levy of assessments be held at a regular meeting of the legislative body.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. Intent - That it is the intention of the City Council to undertake proceedings for the annexation of additional parcels and the annual levy and collection of Fiscal Year 2023-24 assessments for the City of Pomona Street Lighting and Landscaping District (District). There is no increase to assessments from the previous fiscal year.

SECTION 3. Purpose - That the revenue derived from the District assessments is solely for the purpose of maintaining certain landscaping and street lighting improvements throughout the District.

SECTION 4. District Designation - That there are 136 new parcels to be annexed into the District, which are listed in the Engineer's Report. The benefit zones within the District are generally comprised as follows:

- Landscaping Only - Zone A (Phillips Ranch); and
- Lighting and Landscaping - Zone B (Phillips Ranch), Zone D (Garey Avenue – State Route 71/Lexington), Zone E (Garey Avenue – Auto Center), Zone F (Garey Avenue – Lexington to Ninth), and Zone H (University Corporate Center)
- Street Light Maintenance – Zones C (District-wide) and I (Emerald Court)

The details of the parcels to be annexed and the parcels within the different benefit zones of the District are contained in the Assessment Diagram of the Engineer's Report on file and are available for review in the Office of the City Clerk.

SECTION 5. Notice of Public Hearing – That the date, time and location for the Public Hearing on annexation of new parcels and the levy and collection of Fiscal Year 2023-24 assessments for the District shall be as follows:

**Monday, July 17, 2023 at 7:00 P.M.
City of Pomona
City Council Chambers (or Virtual)
505 S. Garey Ave., Pomona CA**

PROPERTY OWNERS AFFECTED BY THE ANNEXATION OF NEW PARCELS AND/OR THE ANNUAL LEVY OF ASSESSMENTS FOR MAINTENANCE OR OTHER MATTERS CONTAINED IN THIS RESOLUTION SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SCHEDULED FOR THE PUBLIC HEARING.

SECTION 6. The City Clerk is directed to publish this Resolution of Intent to annex additional parcels and levy and collect the Fiscal Year 2023-24 assessments and setting the time and place for the public hearing on the matter, pursuant to Section 22552 and 22553 of California Streets

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and Highways Code. Said Resolution shall be posted on the Noticing Bulletin Board and published in the Inland Valley Daily Bulletin no later than ten days prior to the date set for the Public Hearing.

SECTION 7. Proceeding Inquiries - Any inquiries relating to the proceedings, protest procedure, or documentation and/or information of a procedural or technical nature, should be directed to the City representative listed below:

Rene Guerrero, Public Works Director
CITY OF POMONA
505 South Garey Avenue
Pomona, California 91766
(909) 620-2440

SECTION 8. The City Clerk shall attest and certify to the passage of this Resolution and it shall become effective immediately upon its approval.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2023

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on June 5, 2023 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Rosalia A. Butler, MMC
City Clerk