

RESOLUTION NO. 2019-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE ANNUAL ENGINEER'S REPORT, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR THE CONSOLIDATED CITYWIDE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT, ZONES C THROUGH I FOR FISCAL YEAR 2019-20 AND GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNUAL LEVY OF ASSESSMENTS

WHEREAS, the City of Pomona established its first Street Lighting and Landscape Assessment District in 1983, followed by several additional districts before establishing one Consolidated Citywide Street Lighting and Landscaping Maintenance District in 1990;

WHEREAS, the current Consolidated Citywide Street Lighting and Landscaping Maintenance District is comprised of eight (8) Benefit Zones for the benefit of maintaining specific landscaping and street lighting improvements;

WHEREAS, on February 4, 2019 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 2017-50 authorizing Harris and Associates as the Engineer of Record for Zones C through I and ordering the preparation of an Engineer's Report for the Annual Levy of Fiscal Year 2019-20 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 ZONES C THROUGH I

WHEREAS, the City Council desires to annex forty-three (43) new parcels and levy Fiscal Year 2019-20 assessments for the existing Consolidated Citywide Street Lighting and Landscaping Maintenance District zones C through I (the "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;

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;

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 2019-20 assessments and set the date, time and place to conduct the public hearing on this matter;

WHEREAS, California Government Code Section 22625 requires a public hearing, to be held July 15, 2019, regarding the proposed levy of assessments be held at a regular meeting of the legislative body; and

WHEREAS, at this time the City Council desires to declare its intention to levy and collect annual assessments within the District zones C through I for the 2019-20 fiscal year, to provide for the costs and expenses necessary to pay for the maintenance and servicing of the improvements (defined below) within the District; and

WHEREAS, the assessments proposed by this resolution will be for the purpose of meeting operating expenses and purchasing supplies, equipment, or materials necessary to maintain improvements within the District.

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

SECTION 1: The above recitals are true and correct.

SECTION 2: The Council hereby declares its intention to levy and collect annual assessments within the District Zones C through I to pay the costs of the maintenance and servicing of the improvements for the fiscal year commencing July 1, 2019 and ending June 30, 2020. The Council finds that the public's best interest requires such action.

SECTION 3: The improvements that are being maintained for the benefit of the District zones C through I and through the assessments levied annually shall include, but not be limited to:

- (a) the installation or construction or operation of public lighting, facilities, including, but not limited to, street lights, and traffic signals;
- (b) the installation or planting or maintenance of landscaping, including, but not limited to, turf, trees, open space areas, greenbelts and parkways;
- (c) the installation or construction of any facilities which are appurtenant to any improvements listed in (a) and (b) or which are necessary or convenient for the maintenance or servicing thereof including, but not limited to, irrigation, drainage, and electrical facilities; and
- (d) the maintenance and servicing of any of the foregoing.

SECTION 4: That there are forty-three (43) new parcels to be annexed into the District, which are listed on Page 11 of the Engineer's Report. The benefit zones within the District are generally comprised as follows:

- Lighting and Landscaping - 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: Reference is made to the Annual Report prepared by Harris and Associates, on file with the City Clerk, for a full and detailed description of the improvements, the District Diagram, and the proposed assessments upon assessable lots and parcels of land in the District.

SECTION 6: The Council hereby declares its intention to conduct a Public Hearing concerning the levy of annual assessments in accordance with Section 22629 of the Assessment Law. All objections to the assessment, if any, will be considered by the Council. The Public Hearing will be held on July 15, 2019 at 7:00 pm or as soon thereafter as is feasible in the Council Chambers located at 505 Gary Avenue, Pomona, California.

SECTION 7: The maximum assessment is not proposed to increase from the previous year.

SECTION 8: In accordance with Section 22626(a) of the Assessment Law, the City Clerk shall give notice of the time and place of the public hearing by publishing this Resolution of Intention at least ten (10) days prior to the date of said hearing.

APPROVED AND ADOPTED THIS 17TH DAY OF JUNE 2019.

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, Interim City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the 17th day of June 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 17th day of June 2019.

Rosalia A. Butler, City Clerk