

RESOLUTION NO. 2023-055

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
INITIATING PROCEEDINGS TO LEVY AND COLLECT
ASSESSMENTS FOR FISCAL YEAR 2023-24 IN
ASSESSMENT DISTRICTS PURSUANT TO THE
LANDSCAPING AND LIGHTING ACT OF 1972,
APPOINTING THE ENGINEER OF RECORD, AND
ORDERING PREPARATION OF ENGINEER'S REPORTS**

WHEREAS, the City Council of the City of San Bernardino (the "City Council") has previously determined that the public interest, convenience, and necessity require the installation, construction, and maintenance of public landscaping, landscaping and lighting, sewer lift stations, landscaping and sewer lift stations, and landscaping, detention basin and storm drains and appurtenant facilities within the City of San Bernardino (the "City"), as authorized by the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (the "Act") and has established the following assessment districts (the "Assessment Districts") within the City: Assessment District No. 951 Zone 1 and Zone 2 (Wagonwheel Road Area), Assessment District No. 952 Zone 1, Zone 2, Zone 2A and Zone 3 (State College Area), Assessment District No. 953 (16th Street), Assessment District No. 956 (Carnegie Drive Area), Assessment District No. 959 Zone 1 (Shandin Hills), Assessment District No. 962 (Pine Avenue Area), Assessment District No. 963 (Allen Street), Assessment District No. 968 (Airport Drive), Assessment District No. 974 (Rialto Avenue between Eucalyptus and Pepper), Assessment District No. 975 (Pepper and Mill Area), Assessment District No. 976 (Pine and Belmont), Assessment District No. 981 (Meridian and Randall Avenue), Assessment District No. 982 (Piedmont Drive Area), Assessment District No. 986 (Rialto and Macy Area), Assessment District No. 989 (Mill and Macy Area), Assessment District No. 991 (Verdemont and Olive Area), Assessment District No. 993 (Cajon and June Area), Assessment District No. 997 (Chestnut Area), Assessment District No. 1001 (Pennsylvania and Birch Area), Assessment District No. 1002 (North "H" Street Area), Assessment District No. 1005 (Cajon and Pepper Linden Area), Assessment District No. 1007 (Pepper and Randall Area), Assessment District No. 1012 (Mill/Burney Area), Assessment District No. 1016 (Coulston Area), Assessment District No. 1017 (Kendall and Pine Area), Assessment District No. 1019 (Northpark and Mountain Area), Assessment District No. 1020 (Mill Street and Dallas Avenue Area), Assessment District No. 1022 Zone 1, Zone 2 and Zone 3 (San Bernardino International Airport/Alliance-California), Assessment District No. 1023 (Elm Avenue and Coulston Street Area), Assessment District No. 1024 (Inland Center Drive and Riverwalk Drive Area), Assessment District No. 1025 (Palm Avenue and Washington Avenue Area), Assessment District No. 1027 (Waterman Avenue and Washington Street Area), Assessment District No. 1028 (Ohio Avenue and Walnut Avenue Area), Assessment District No. 1029 (California Street and 16th Street Area), Assessment District No. 1030 (Magnolia Avenue and Ohio Avenue Area), Assessment District No. 1031 (Irvington Avenue and Olive Avenue Area), Assessment District No. 1032 (Palm Avenue and Verdemont Drive), Assessment District No. 1035, Zone 1 and Zone 2 (Palm Avenue and Meyers Road), Assessment

District No. 1036 (Northpark Boulevard and Campus Parkway), Assessment District No. 1037 (Belmont Avenue and Magnolia Avenue), Assessment District No. 1038 (Orange Show Road and Arrowhead Avenue), Assessment District No. 1039 (Irvington Avenue and Chestnut Avenue Area), Assessment District No. 1040 (Arcacia Avenue and Hill Drive Area), Assessment District No. 1041 (Magnolia Avenue and Ohio Avenue Area), Assessment District No. 1042 (Shandin Hills Drive and Shady Creek Drive), Assessment District No. 1043, Zone 1 and Zone 2 (Palm Avenue and Irvington Avenue Area), Assessment District No. 1045 (Waterman Avenue and Orange Show Road Area), Assessment District No. 1046 (Northpark Boulevard and Northstar Avenue Area), Assessment District No. 1047 (Ohio Avenue and Pine Avenue Area), Assessment District No. 1048 (Eucalyptus Avenue and Randall Avenue Area), Assessment District No. 1050 (Pepper Avenue and Rialto Avenue Area), Assessment District No. 1052 (Belmont Avenue and Chestnut Avenue Area), Assessment District No. 1054 (Campus Parkway and Valles Drive Area), Assessment District No. 1055 (Pine Avenue and Redwood Street Area), Assessment District No. 1056 (Magnolia Avenue and Garfield Street Area), Assessment District No. 1057 (Cajon Boulevard and University Parkway Area), Assessment District No. 1059 (Orange Show Road and Tippecanoe Avenue Area), Assessment District No. 1060 (Chiquita Lane and Date Street Area), Assessment District No. 1063 (Central Avenue and Lena Road Area), Assessment District No. 1064 (Cajon Boulevard and Glen Helen Parkway Area), and Assessment District No. 1068 (Tippecanoe Avenue and Central Avenue Area); and

WHEREAS, the City Council has determined that the public interest, convenience, and necessity require the continued levy of assessments within the Assessment Districts for the purpose of installing, constructing, operating, and maintaining public landscaping, landscaping and lighting, sewer lift stations, landscaping and sewer lift stations, and landscaping, detention basin and storm drains and appurtenant facilities authorized by the Act;

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby initiates proceedings pursuant to the Act to levy and collect annual assessments within the Assessment Districts for the maintenance, servicing and operating of public landscaping, landscaping and lighting, sewer lift stations, landscaping and sewer lift stations, and landscaping, detention basin and storm drains and appurtenant facilities during fiscal year 2023-24.

SECTION 3. The maintenance to be performed consists of the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of public landscaping, landscaping and lighting, sewer lift stations, landscaping and sewer lift stations, and landscaping, detention basin and storm drains.

SECTION 4. The proceedings for the annual levy of the assessments are to be conducted pursuant to the Act.

SECTION 5. Spicer Consulting Group, LLC is hereby appointed as Engineer of Record for the purpose of preparing the written report provided for in Section 22567 of the Streets and Highways Code with respect to the levy of assessments for fiscal year 2023-24 for each of the Assessment Districts, and is hereby directed to prepare and file such reports with the City Clerk.

SECTION 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 7. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 8. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 19th day of April, 2023.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2023-055, adopted at a regular meeting held on the 19th day of April, 2023 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of April, 2023.

Genoveva Rocha, City Clerk