

Agenda Report

TO: CITY COUNCIL

DATE: June 1, 2009

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION GRANTING CONSENT TO THE FORMATION OF AN ASSESSMENT DISTRICT BY THE CITY OF LA CAÑADA FLINTRIDGE

RECOMMENDATION:

It is recommended that the City Council:

1. Acknowledge the Mitigated Negative Declaration approved by the City Council of La Cañada Flintridge in September 2003 for various sewer improvements that included the areas within the proposed assessment district, specifically, La Cañada Flintridge Sewer Project Areas 5, 6E and 6J. It should be noted that an addendum to the subject Mitigated Negative Declaration will also be recommended for approval by the City Council of La Cañada Flintridge in July 2009, due to a change in the design concept; and
2. Adopt a resolution granting consent to the formation of an assessment district by the City of La Cañada Flintridge for four parcels partially located within the City of Pasadena.

BACKGROUND:

The City of La Cañada Flintridge ("La Cañada Flintridge") is proposing to initiate proceedings to establish an assessment district to finance the installation of sewer improvements to serve properties located primarily within La Cañada Flintridge. There are, however, four parcels as shown on the location map included as Attachment "A," that are located in part within La Cañada Flintridge and in part within the City of Pasadena that would be served by the sewer improvements. It is proposed to include these parcels in the La Cañada Flintridge assessment district. The street right-of-way in Pasadena within the assessment district area does not specially benefit from the sewer improvements and will not be assessed. The City of Pasadena's Department of Public Works recently sent letters to the four affected property owners, notifying them of the subject grant of consent.

La Cañada Flintridge is proposing to undertake proceedings pursuant to the Municipal Improvement Act of 1913 (Streets and Highways Code Section 10000 and following) (the "Improvement Act") to form the assessment district. The Improvement Act provides that if La Cañada Flintridge desires to initiate proceedings under the Improvement Act, to consider the formation of an assessment district to include property and improvements with the City of Pasadena, then the Pasadena City Council must consent to the formation of such assessment district. The City of Pasadena must also approve the proposed Resolution of Intention of La Cañada Flintridge, to form such assessment district and the improvements proposed to be constructed, prior to the adoption of such Resolution of Intention by La Cañada Flintridge.

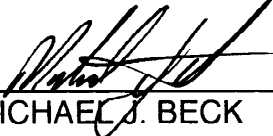
La Cañada Flintridge has requested that the Pasadena City Council adopt the attached resolution to grant consent to the formation of such assessment district. The resolution of request for the subject consent, included in Attachment "B," was approved by the La Cañada Flintridge City Council on May 18, 2009. Upon the grant of consent by the Pasadena City Council, the proposed Resolution of Intention and the sewer improvements (see Attachment "B") will be recommended to the La Cañada Flintridge City Council for approval on June 15, 2009.

La Cañada Flintridge will be required to comply with the provisions of Proposition 218, as well as the provisions of the Improvement Act in undertaking the proceedings to form the assessment district. Under Proposition 218, which added Article XIII D to the California Constitution, the owners of real property proposed to be assessed will have an opportunity to submit assessment ballots to express their support for or opposition to the levy of assessments against their properties. The owners of the parcels that are located partially in the City of Pasadena will be included in the assessment balloting conducted by La Cañada Flintridge. La Cañada Flintridge will not be authorized to form the assessment district if the assessment ballots submitted in opposition to the levy of the assessments exceed the assessment ballots submitted in favor of such levy. In tabulating the assessments ballots, each assessment ballot is weighted based upon the amount of the assessment proposed to be levied against the parcel for which the assessment ballot is submitted.

FISCAL IMPACT:

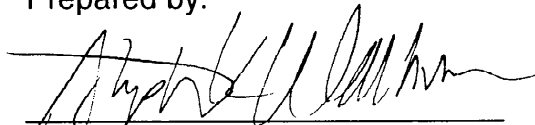
There will be no fees assessed to the City of Pasadena. There will be minimal cost involved in processing reports and coordinating with La Cañada Flintridge. Sufficient Sewer Maintenance and Construction Funds for the minimal staff time required are available in Capital Improvement Program Budget Account 76267, Preventative Maintenance – Sewer System.

Respectfully submitted,




MICHAEL J. BECK
City Manager

Prepared by:



Stephen Walker
Principal Engineer

Approved by:



Martin Pastucha, Director
Department of Public Works

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PASADENA, CALIFORNIA, GRANTING CONSENT TO THE
FORMATION OF AN ASSESSMENT DISTRICT BY THE
CITY OF LA CAÑADA FLINTRIDGE

WHEREAS, the City Council of La Cañada Flintridge, California, proposes to adopt a Resolution of Intention (the "Resolution of Intention") to initiate proceedings to consider the formation of a special assessment district designated as Assessment District No. 09-1 (Sanitary Sewer Project Areas 5, 6E & 6J) ("Assessment District"), under the provisions of the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code of the State of California ("Improvement Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Sections, 53750, and following) (together with the Improvement Act and Article XIID, "Assessment Law"), to finance the acquisition or construction of certain sewer improvements to be located in and to specially benefit certain real property partially located in the City of Pasadena; and

WHEREAS, Sections 5117 and 5118 of the Improvement Act of 1911 and Section, 10303 of the Improvement Act provide that, when another city initiates proceedings under the Improvement Act to consider the formation of an assessment district to include parcels or portions of parcels and improvements within territory of Pasadena, the City Council of Pasadena must consent to the formation of such assessment district and approve the proposed Resolution of Intention of such legislative body to form such assessment district and the Improvements proposed to be constructed, prior to the adoption of such Resolution of Intention by such legislative body; and

WHEREAS, the La Cañada Flintridge City Council adopted its Resolution No. 09-12 ("Resolution No. 09-12") requesting that the Pasadena City Council consent to the formation of the Assessment District and approve the Resolution of Intention, attached hereto, and the Improvements described in the Exhibit to the Resolution of Intention ("Improvements"); and,

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

SECTION 1. The above recitals are all true and correct.

SECTION 2. Pursuant to the Improvement Act, the Pasadena City Council hereby consents to the formation of the Assessment District and approves the Resolution of Intention and the Improvements.

SECTION 3. The foregoing approval of the Pasadena City Council is conditional upon (a) compliance by La Cañada Flintridge with the provisions of the Assessment Law in undertaking the proceedings to consider the formation of the Assessment District and in levying any assessment upon the properties within the Assessment District and (b) the agreement by La Cañada Flintridge as specified in Resolution No. 09-12 that La Cañada Flintridge shall hold harmless and indemnify Pasadena, its officers and employees, from any and all causes of action, claims, losses or damages which may arise, directly or indirectly, from the action of the Pasadena in reviewing and granting its consent to the formation of the Assessment District and approving the Resolution of Intention and the Improvements.

SECTION 4. The City Clerk of Pasadena is hereby directed to certify and transmit a copy of this Resolution to the City Clerk of La Cañada Flintridge.

Adopted at the _____ meeting of the City Council on the _____ day of _____, 2009 by the following vote:

AYES:

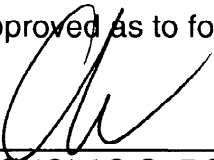
NOES:

ABSENT:

ABSTAIN:

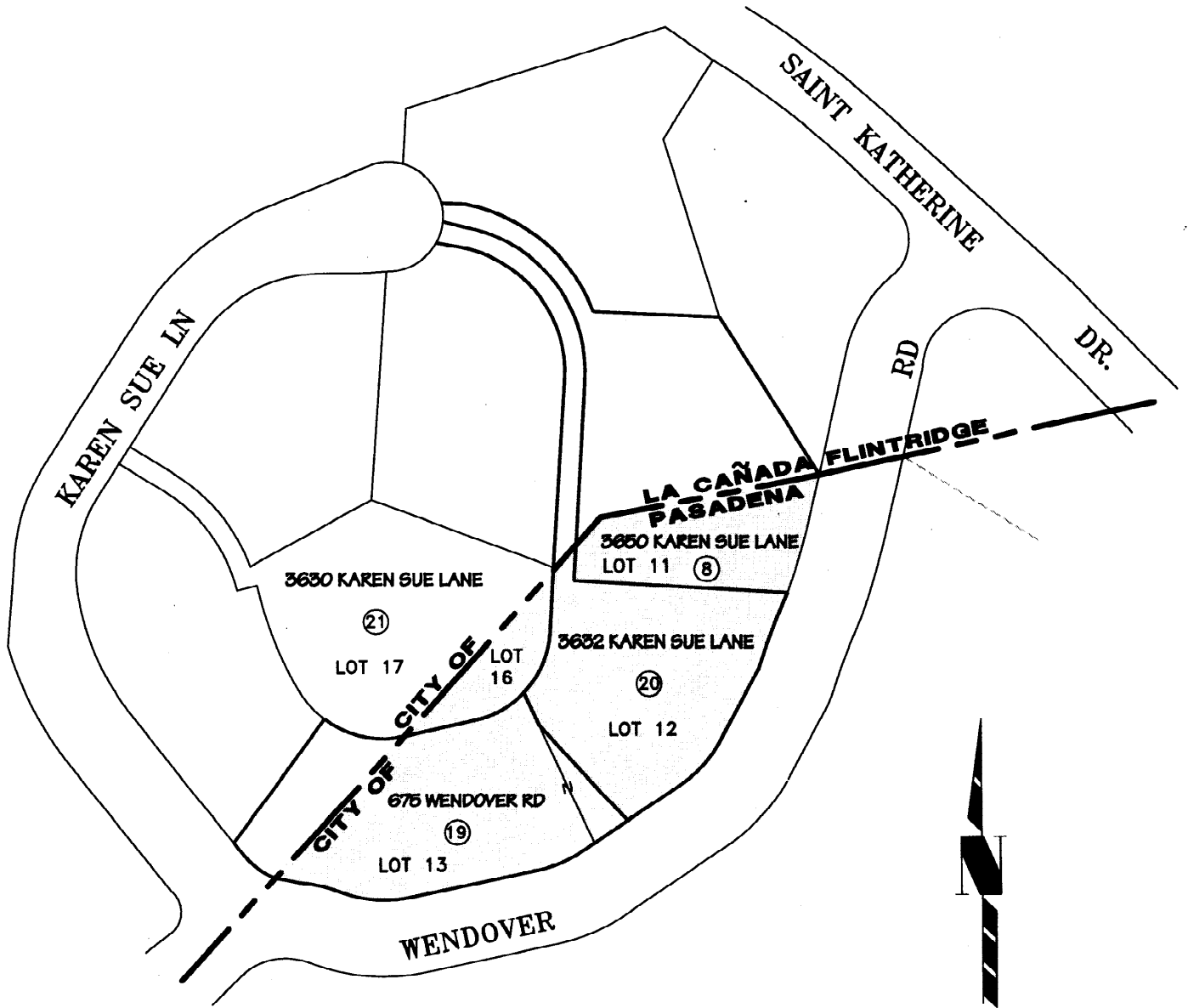
MARK JOMSKY, CMC
City Clerk

Approved as to form:

 5/26/09

NICHOLAS G. RODRIGUEZ
Assistant City Attorney

ATTACHMENT "A"



NO SCALE

TRACT No. 20695

M.B. 642-95-97

RESOLUTION NO. 09-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA REQUESTING CONSENT OF THE CITY COUNCIL OF THE CITY OF PASADENA TO THE FORMATION OF PROPOSED ASSESSMENT DISTRICT NO. 09-1 (SANITARY SEWER PROJECT AREAS 5, 6E & 6J), CITY OF LA CAÑADA FLINTRIDGE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND THE APPROVAL OF THE PROPOSED RESOLUTION OF INTENTION THEREFORE

WHEREAS, the City Council (the "City Council") of City of La Cañada Flintridge (the "La Cañada Flintridge") proposes to adopt a Resolution of Intention initiating proceedings for the formation of an Assessment District to be designated Assessment District No. 09-1 (Sanitary Sewer Project Areas 5, 6E & 6J), City of La Cañada Flintridge, County of Los Angeles, State of California (the "Assessment District"), pursuant to the provisions of the Municipal Improvement Act of 1913 (the "Improvement Act"), Division 12 (commencing with Section 10000) of the Streets and Highways Code of the State of California, Article XIIID of the Constitution of the State of California ("Article XIIID") and the Proposition 218 Omnibus Implementation Act (commencing with Section 53750) of the Government Code of the State of California for the purpose of financing the acquisition or construction of certain public improvements (the "Improvements") within such Assessment District as described in the proposed Resolution of Intention is attached hereto as Exhibit "A" and incorporated herein by reference (the "Resolution of Intention"); and

WHEREAS, the territory proposed for inclusion in the proposed Assessment District includes parcels of land located within La Cañada Flintridge as well as certain other parcels of land located in whole or in part within the City of Pasadena ("Pasadena") that, in the opinion of the City Council, will be specially benefited by the Improvements; and

WHEREAS, a portion of the Improvements is proposed to be located within Pasadena; and

WHEREAS, a map indicating by a boundary line the extent of territory included within the proposed Assessment District (the "Boundary Map") has been presented to the City Council; and

WHEREAS, pursuant to Section 10103 of the Improvement Act and Sections 5117 and 5118 of the Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code, before the City Council may adopt a resolution of intention initiating such proceedings, it must submit the proposed Resolution of Intention to and obtain the consent of the City Council of the City of Pasadena (the "Pasadena City Council") to the formation of the proposed Assessment District and the approval of the Resolution of Intention and the proposed Improvements;

NOW, THEREFORE, be it resolved by the City Council of the City of La Cañada Flintridge as follows::

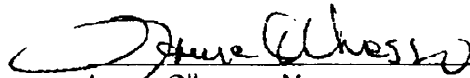
SECTION 1. The City Council hereby requests, pursuant to Section 10103 of the Improvement Act, the consent of the Pasadena City Council to the formation of the proposed Assessment District and the approval thereof of the Resolution of Intention and the Improvements as presented to the City Council at the meeting at which this resolution is adopted.

Attachment "B"

SECTION 2. La Cañada Flintridge shall hold harmless and indemnify Pasadena, its officers and employees, from any and all causes of action, claims, losses or damages which may arise, directly or indirectly, from the action of the Pasadena City Council in reviewing and granting its consent to the formation of the Assessment District and approving the Resolution of Intention and the Improvements.

SECTION 3. The City Clerk of La Cañada Flintridge shall transmit a certified copy of this resolution together with copies of the proposed Resolution of Intention and Boundary Map to the City Clerk of Pasadena.

PASSED, APPROVED AND ADOPTED this 18th day of May, 2009.



Laura Olhasso, Mayor

Attest:



Sylvia Baca, City Clerk

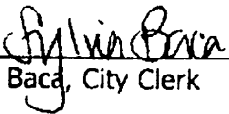
Attachment "B"

State of California)
County of Los Angeles) ss.
City of La Cañada Flintridge)

I, Sylvia Baca, City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 09-12 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 18th day of May 2009, by the following vote:

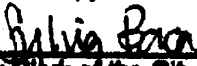
AYES: COUNCILMEMBERS: Del Guercio, Spence, Voss, Olhasso
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Brown
ABSTAIN: COUNCILMEMBERS: None

Dated: May 19, 2009




Sylvia Baca, City Clerk

**I, City Clerk of the City of La Cañada Flintridge,
hereby certify that the foregoing is a full, true, and
correct copy of the original on file in this office.**



City Clerk of the City of
La Cañada Flintridge



Date

Attachment "B"

construction of such Improvements which reflect the special benefit to be conferred on the properties within the Assessment District from such Improvements are chargeable upon such properties. Such properties are described as follows:

All of that certain territory in the proposed Assessment District included within the exterior boundary lines shown on the map exhibiting the property specially benefited and proposed to be assessed to pay the expenses of the acquisition or construction of the Improvements described above, such map entitled "PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 09-1 (SANITARY SEWER PROJECT AREAS 5, 6E & 6J)", and which map was previously approved by this legislative body and is on file with the transcript of these proceedings. For all particulars as to the boundaries of the Assessment District, reference is hereby made to such boundary map.

REPORT OF THE ASSESSMENT ENGINEER

SECTION 3. The proposed Improvements are hereby referred to Koppel & Gruber Public Finance (the "Assessment Engineer"), who is hereby directed to make and file a report as required by the Improvement Act, the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 of the Streets and Highways Code) (the "Investigations Act"), Article XIIIID of the Constitution of the State of California and the Omnibus Proposition 218 Implementation Act (Government Code Section 53750) (collectively, the "Assessment Law"), such report to be in writing and contain the following:

- A. A description of the Improvements;
- B. Plans and specifications of the Improvements sufficient to show or describe the general nature, location and extent of the Improvements;
- C. An estimate of the cost of the construction of the Improvements, including the cost of the incidental expenses, in connection therewith;
- D. A diagram showing, as the same existed at the time of passage of this Resolution, the following:
 1. the exterior boundaries of the Assessment District;
 2. the lines and dimensions of each parcel of land within the Assessment District; provided, however, such diagram may refer to the county assessor's maps for a detailed description of such lines and dimensions, in which case such maps shall govern for all details concerning such lines and dimensions;
- E. The proposed assessment of the total amount of the costs and expenses of the proposed Improvements upon the several divisions of land in the Assessment District in proportion to the estimated special benefits to be conferred on such subdivisions, respectively, by such Improvements. Such assessment shall refer to such subdivisions upon such diagram by the respective numbers thereof;

Attachment "B"

- F. The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated for the Assessment District, which would require an investigation and report under the Investigations Act, against the total area proposed to be assessed; and
- G. The total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed.

When any portion or percentage of the assessable costs and expenses of the construction of the Improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated costs and expenses of such construction, and such assessment shall include only the remainder of the estimated costs and expenses.

FINANCING OF THE IMPROVEMENTS

SECTION 4. NOTICE IS HEREBY GIVEN that the City proposes to finance cost of the construction of the Improvements, including the cost of the incidental expenses, in connection therewith through (a) a loan from the State of California through the State Revolving Fund Loan Program of the State Resources Control Board to fund all costs eligible to be funded through such loan program (the "State Loan") and and/or (b) the issuance of bonds (the "Improvement Bonds") pursuant to the "Improvement Bond Act of 1915" (the "Bond Act"), Division 10 of the Streets and Highways Code of the State of California to fund that portion of such costs that are funded from the proceeds of the State Loan, if any. The repayment of the State Loan, if any, shall be secured by the unpaid assessments levied within the Assessment District pursuant to the provisions of Chapter 6.1 (Streets and Highways Code Sections 10550 and following) of the Improvement Act. The payment of the debt service on the Improvement Bonds shall likewise be secured by the unpaid assessments levied within the Assessment District pursuant to the provisions of the Improvement Act and the Bond Act.

The provisions of Part 11.1 of the Bond Act, providing an alternative procedure for the advance payment of assessments and the calling of bonds shall apply to the Improvement Bonds.

The principal amount of the Improvement Bonds maturing each year shall be other than an amount equal to an even annual proportion of the aggregate principal of such bonds, and the amount of principal maturing in each year, plus the amount of interest payable in that year, will be generally an aggregate amount that is equal each year, except for the first year's adjustment.

Pursuant to the provisions of the Improvement Act and specifically Streets and Highways Code Section 10603, the Treasurer is hereby designated as the officer to collect and receive the assessments during the cash collection period.

Attachment "B"

ASSESSMENT LAW

SECTION 5. Except as may otherwise be provided for in the issuance of the bonds described above, all of the Improvements shall be constructed pursuant to the provisions of the Assessment Law.

SURPLUS FUNDS

SECTION 6. If any excess shall be realized from the assessment, it shall be used, in such amounts as the legislative body may determine, in accordance with the provisions of law for one or more of the following purposes:

- A. Transfer to the general fund; provided that the amount of any such transfer shall not exceed the lesser of One Thousand Dollars (\$1,000.00) or five percent (5%) of the total from the Improvement Fund;
- B. As a credit upon the assessment and any supplemental assessment;
- C. For the maintenance of the Improvements; or
- D. To call bonds.

IMPROVEMENT FUND

SECTION 7. The legislative body hereby establishes a special improvement fund identified and designated by the name of this Assessment District, and into such Fund monies may be transferred at any time to expedite the construction of the Improvements, and any such advancement of funds is a loan and shall be repaid out of the proceeds of the sale of bonds as authorized by law.

GRADES

SECTION 8. Notice is hereby given that the grade to which the work shall be done is to be shown on the plans and profiles therefore, which grade may vary from the existing grades. The work herein contemplated shall be done to the grades as indicated on the plans and specifications, to which reference is made for a description of the grade at which the work is to be done. Any objections or protests to the proposed grade shall be made at the public hearing to be conducted under these proceedings.

Attachment "B"

PROCEEDINGS INQUIRIES

SECTION 9. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

EDWARD HITTI, P.E., DIRECTOR OF PUBLIC WORKS
CITY OF LA CAÑADA FLINTRIDGE
1327 FOOTHILL BOULEVARD
LA CAÑADA FLINTRIDGE, CALIFORNIA 91011-2137
(818) 790-8882

PUBLIC PROPERTY

SECTION 10. All public property shall be subject to assessment in these proceedings unless otherwise expressly provided and listed herein. Notwithstanding the foregoing, the public street rights-of-way within the proposed boundaries of the Assessment District, including those street rights-of-way located within the City of Glendale and the City of Pasadena, will not specially benefit from the Improvements and will not, therefore, be subject to assessment.

ACQUISITION

SECTION 11. The public interest, convenience and necessity requires that certain land, rights-of-way or easements be obtained in order to allow the Improvements as proposed for this Assessment District to be accomplished. The Engineer's Report, upon adoption, shall set forth general description of the location and extent of easements and/or land necessary to be acquired.

NO CITY LIABILITY

SECTION 12. This legislative body hereby further declares not to obligate itself to advance available funds from the Treasury to cure any deficiency that may occur in the bond redemption fund. This determination is made pursuant to the authority of Section 8769(b) of the Streets and Highways Code of the State of California, and such determination shall further be set forth in the text of the bonds issued pursuant to the Bond Act.

COMBINED IMPROVEMENT ACT/INVESTIGATIONS ACT REPORT

SECTION 13. It is the intention of this legislative body to fully comply with the proceedings and provisions of the Investigations Act and specifically the alternate provisions thereof, being Part 7.5. The Report, as authorized by Streets and Highways Code Section 2961, will be on file with the transcript of these proceedings and open for public inspection.

ANNUAL ADMINISTRATIVE ASSESSMENT

SECTION 14. It is hereby declared that this legislative body proposes to levy an annual assessment pursuant to Section 10204 of the Streets and Highways Code of the State of California, such annual assessment to pay costs incurred by the City and not otherwise

Attachment "B"

reimbursed which result from the administration and collection of assessments or from the administration or registration of any associated bonds and their related funds.

DESIGNATION OF SUPERINTENDENT OF STREETS

SECTION 15. For the purpose of these proceedings, the Director of Public Works of the City is hereby designated as the Superintendent of Streets.

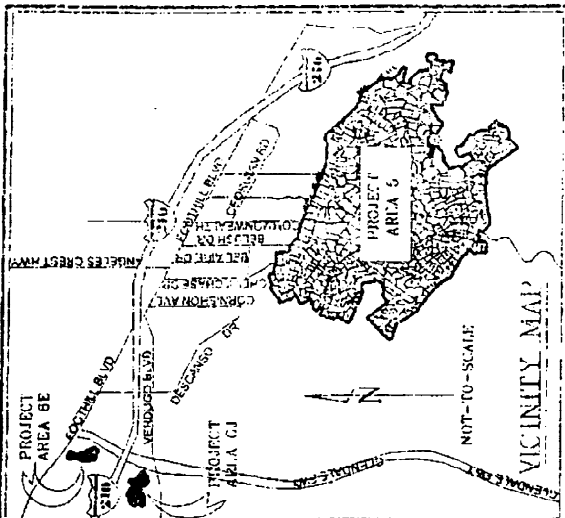
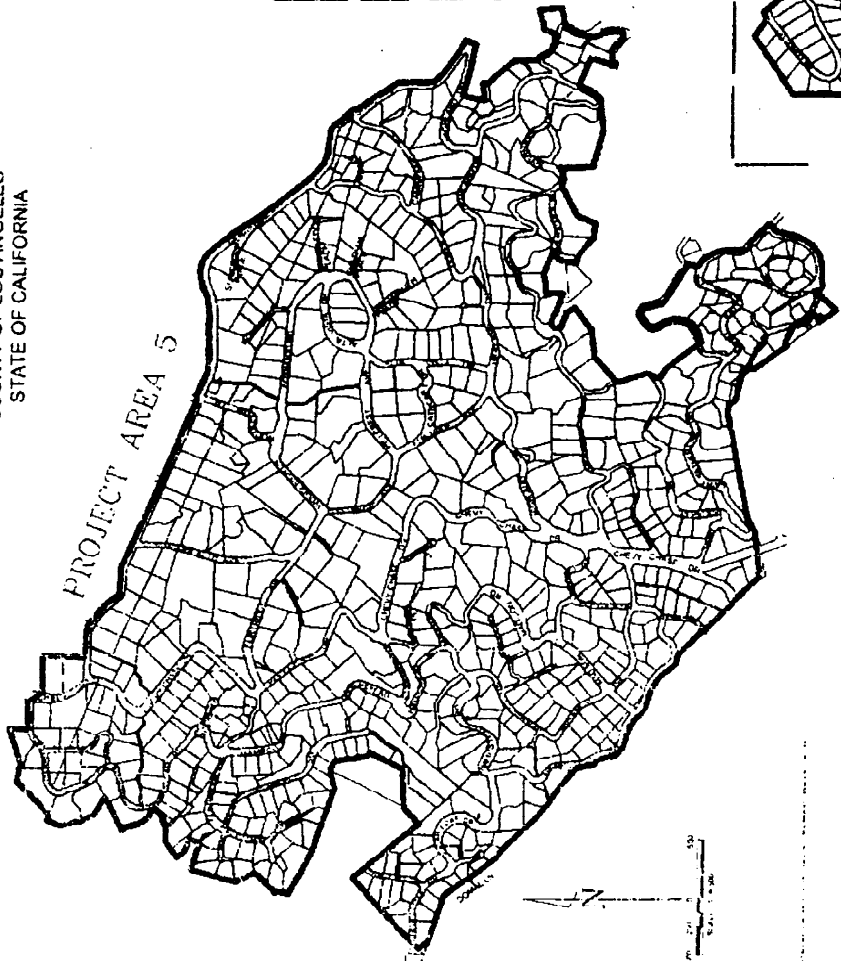
PASSED, APPROVED AND ADOPTED this ____ day of _____, 2009.

Mayor

Attest:

City Clerk

**PROPOSED BOUNDARIES OF
ASSESSMENT DISTRICT NO. 09-1
(SANITARY SEWER PROJECT AREAS 5, 6E & 6J)
CITY OF LA CAÑADA FLINTRIDGE
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA**



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LA CAÑADA FLINTRIDGE
ON _____ DAY OF _____ 2009
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF
ASSESSMENT DISTRICT NO. 09-1 (SANITARY SEWER PROJECT AREAS 5, 6E & 6J) OF LA
CAÑADA FLINTRIDGE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA WAS
CORRECTLY PREPARED AND THAT THE SAID MAP IS TRUE AND CORRECT
ACCORDING TO THE RECORDS OF THE CITY OF LA CAÑADA FLINTRIDGE AT
THIS RESOLUTION NO. _____ DATE OF _____

CITY CLERK
CITY OF LA CAÑADA FLINTRIDGE

FILED THIS _____ DAY OF _____ 2009 AT THE HOUR OF _____
O'CLOCK _____ IN ROCK _____ OF MAPS OF ALL EASEMENTS AND PROPERTY
FACILITIES OR TO THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF LOS
ANGELES CALIFORNIA

COUNTY RECORDER
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

REFERENCE IS MADE TO THE ASSESSORS MAPS OF THE ASSESSOR OF THE COUNTY
OF LOS ANGELES FOR A MORE DETAILED DESCRIPTION OF THE LINES AND THE PROPERTY
BOUNDARIES OF THE SAID MAPS AND THE SAID MAPS ARE ON FILE IN THE COUNTY
GOVERNMENT FILES OR MAPS CONTAINING THE LINES AND DIMENSIONS OF SAID
PARCELS.

SHEET 1 OF 7

PROJECT
AREA 6E

PROJECT
AREA 6J

PROPOSED BOUNDARY

LEGEND

314 W. Vera Cruz,
Suite 200,
La Cañada Flintridge, CA 91030
Phone: (760) 310-0220 FAX: (760) 510-0380
MINDROWS

ASSESSMENT DISTRICT NO. 09-1 (SANITARY SEWER PROJECT AREAS 5, 6E & 6J) ASSESSOR PARCEL NUMBERS

Table with 10 columns of parcel numbers. The first column contains 10-digit parcel numbers (e.g., 5657-001-003). The remaining columns contain 10-digit parcel numbers with various suffixes (e.g., 5657-011-010, 5658-006-014, 5659-024-005, etc.).

May 5, 2009

Parcels in Pasadena to be Included in AD_09-1

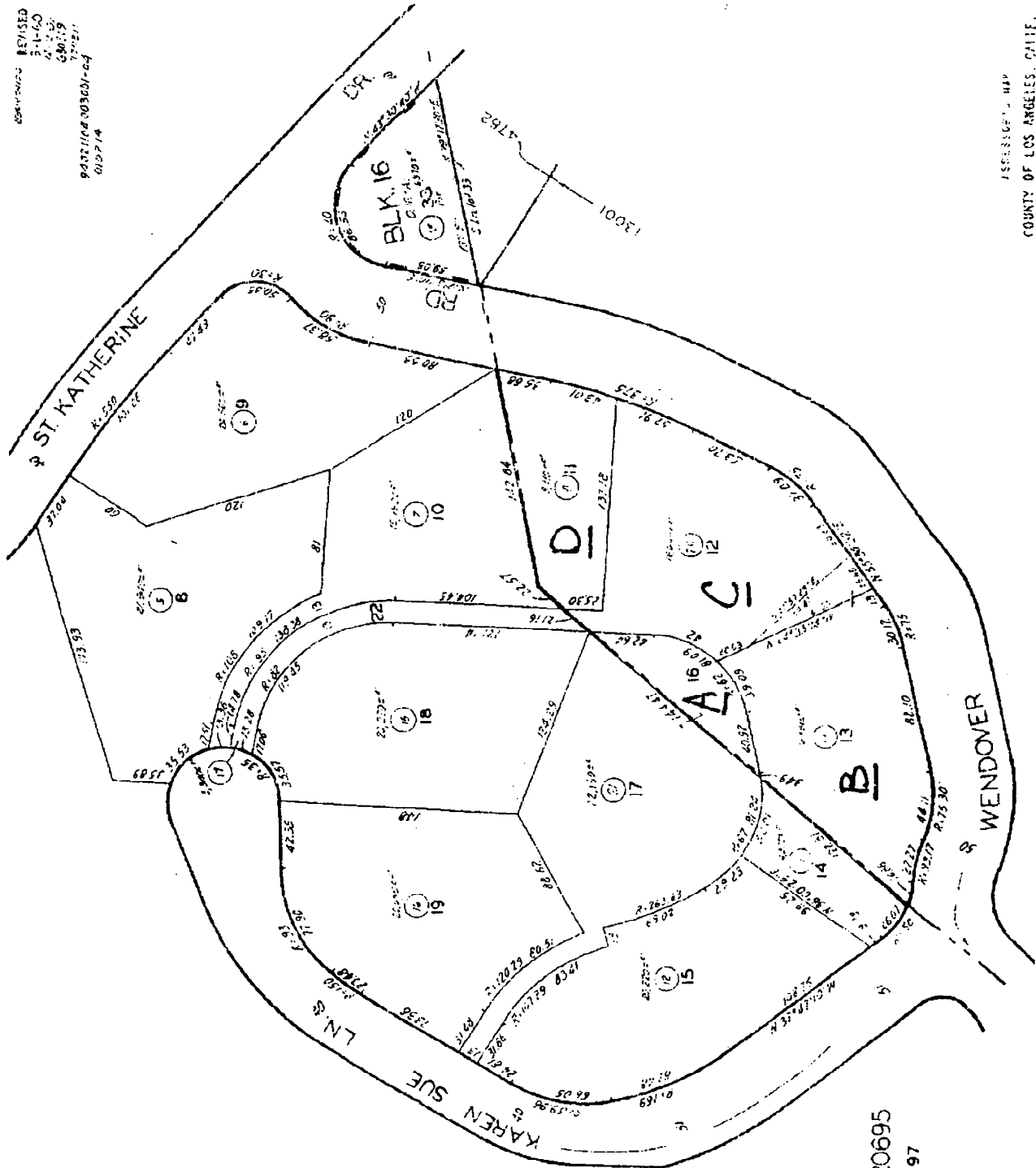
ID*	APN	Address
<u>A</u>	Portion of 5822-024-021	3630 Karen Sue Ln, La Cañada Flintridge
<u>B</u>	5822-024-019	675 Wendover Rd, La Cañada Flintridge
<u>C</u>	5822-024-020	3632 Karen Sue Ln, La Cañada Flintridge
<u>D</u>	5822-024-008	3650 Karen Sue Ln, La Cañada Flintridge

* See attached Assessor Map for parcel locations

Attachment "B"

REVISED
5-1-60
2-7-59
6-30-59
7-22-57
POSTAL CODE 90301-04
015714

REGISTERED MAP
COUNTY OF LOS ANGELES, CALIF.



5822 24
SCALE 1" = 60'
200 FT.

FLINTRIDGE
M. B. 26-23-33

TRACT NO. 20695
M. B. 642-95-97

FOR MEY. ASSMT. SEC. 743-16
789-13 & 48
5822-24

CODE
478P
13001