

RESOLUTION NO. 89-200

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING FEES FOR TRAFFIC SIGNAL AND CONTROL DEVICES, ROAD AND HIGHWAY IMPROVEMENTS, PUBLIC SAFETY CAPITAL PROJECTS AND PARKS.

WHEREAS, Article XXIV of Chapter 9 of the Pomona City Code provides that fees for traffic signal and control devices, road and highway improvements, public safety capital projects and parks be established by resolution of the City Council; and

WHEREAS, the City Council finds that the fees shown as alternative one of staff report dated July 19, 1989, and the fees herein satisfy the requirements of Article XXIV of Chapter 9 of the Pomona City Code;

NOW, THEREFORE, the City Council of the City of Pomona resolve as follows:

1. Traffic Signal and Control Device Fee shall be \$5.00 per trip generated by new construction.
2. Road and Highway Fee shall be \$5.00 per trip generated by new construction.
3. Public Safety Improvement Fee shall be \$.25 per square foot for new construction.
4. Park and Recreation Improvement Fee shall be \$675.00 per dwelling unit.
5. The effective date of the fees established herein shall coincide with the adoption of Ordinance No. 3506.

APPROVED, PASSED AND ADOPTED this 14th day of August, 1989.

Donna Smith
Mayor

ATTEST:
Elizabeth Villaral
City Clerk

APPROVED AS TO FORM:
[Signature]
City Attorney

THE CITY OF
POMONA

MEMORANDUM

August 1, 1989

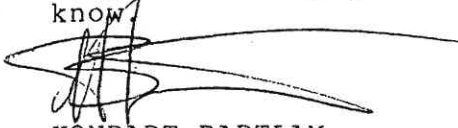
TO: INTERIM CITY ADMINISTRATOR

FROM: DEVELOPMENT SERVICES MANAGER

SUBJECT: RESOLUTION IMPLEMENTING SPECIFIC FEE AMOUNTS

Pursuant to the City Council's action at their July 24th hearing, the attached resolution implements the fee amounts shown as alternative one. Once again, these amounts are estimated to generate \$1,180,000 for traffic signals, road and highway improvements, public safety capital projects and parks. Also on the agenda is the second reading of the ordinance approving the fee program.

If you have any questions regarding this matter, please let me know.



KONRADT BARTLAM

KB/ms

ORDINANCE NO. 3506

AN EMERGENCY AND REGULAR ORDINANCE OF THE COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADDING ARTICLE XXIV TO CHAPTER 9 OF ORDINANCE 1673, ALSO KNOWN AS THE CODE OF THE CITY OF POMONA, TO BE ENTITLED "MISCELLANEOUS FEES" RELATING TO A TRAFFIC SIGNAL AND CONTROL DEVICE PROGRAM, A ROAD AND HIGHWAY IMPROVEMENT PROGRAM, A PARKS AND RECREATION IMPROVEMENT PROGRAM AND A PUBLIC SAFETY IMPROVEMENT PROGRAM.

WHEREAS, continuing development and growth in the City of Pomona yields as a byproduct increased vehicular movement; and

WHEREAS, environmental and planning documents identify increased vehicular movement as a negative environmental impact on the community which is mitigated through traffic control devices; and

WHEREAS, a significant aspect of traffic management is signalization of warranted intersections throughout the community; and

WHEREAS, the increase in population has impacted the existing parks and recreation and public safety facilities; and

WHEREAS, the new systems and improvements to meet such needs are set forth in the Five Year Capital Improvement Program; and

WHEREAS, as a condition of developing real estate projects impacting the City, the City Council is desirous of providing a financing mechanism for the provision of traffic signals, improvement to roads, highways, public safety facilities, and parks in a fair and equitable basis;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POMONA DOES ORDAIN AS FOLLOWS:

SECTION 1. That Article XXIV is hereby added to Chapter 9 of Ordinance No. 1673, also known as the Code of the City of Pomona, California, which shall read as follows:

Article XXIV. Miscellaneous Fees.

Sec. 9-280. A traffic signal and control device development program is hereby ordered and adopted pursuant to the following guidelines:

- a. Development priorities. The City Council shall annually establish a priority list of intersections eligible for construction of traffic signals. The City Council may authorize, as funding and needs dictate, the construction of signal control devices at any location included on the priority list.
- b. Traffic signal control device construction fee. A traffic signal and control device construction fee is hereby

established which shall be collected from all land developers in the City of Pomona prior to the issuance of any building or public works permits by the City according to the resolution set forth by the City Council and incorporated herein by reference.

- c. Fee schedule basis. The basis for the fee schedule in the Council resolution shall be the ratio of the traffic generated by the development for which a particular permit is requested compared to the traffic volume identified in the minimum Cal Trans warrant for a traffic signal in an urban area, multiplied by the average cost of a traffic signal system. The fee schedule is based, more specifically, on the following factors:
- (1) Generated Traffic - traffic generated by each development shall be calculated from the latest traffic generation data promulgated in the publication "Trip Generation" (Current Edition), an information report as prepared by the Institute of Transportation Engineers.
 - (2) Minimum Signal Warrant - the traffic volume equivalent to the minimum Cal Trans warrant for a traffic signal in an urban area shall be 12,800 vehicles per day from all approaches.
 - (3) Average Traffic Signal Cost - the average cost of a traffic signal shall be \$85,000.
- d. Traffic signal and control device fund. The fees required pursuant to this ordinance shall be paid to the City of Pomona and deposited into a separate Traffic Signal and Control Device Fee Fund. Moneys in this fund shall be expended solely for the construction or reimbursement for construction of traffic signals and control devices or to reimburse the City of Pomona for the cost to design and construct such facilities.

Sec. 9-281. A road and highway improvement program is hereby ordered and adopted in order to implement the City's capital facilities needs and to mitigate the various impacts caused by development projects within the City of Pomona. The program shall be operated pursuant to the following guidelines:

- a. Road and highway improvement fee. A road and highway improvement fee is hereby established which shall be collected from all land developers in the City of Pomona prior to the issuance of building or public works permits. The fee amount shall be as periodically set by resolution of the City Council.
- b. Fee schedule basis. The basis for the fees charged as shown in the City Council resolution shall be based on the traffic generated by the development for which a particular permit is requested. The fee represents the fair share cost of constructing the necessary public

facilities outlined in the Five Year Capital Improvement Program. The traffic generated by each development shall be calculated from the latest generation data promulgated in the publication "Trip Generation" (Current Edition), an information report as prepared by the Institute of Transportation Engineers.

- c. Road and Highway improvement fund. The fees required pursuant to this ordinance shall be paid to the City of Pomona and deposited into a separate Road and Highway Improvement Fund. Moneys in this fund shall be expended solely for the construction or reimbursement for construction of road improvements, streetscape and street lights as shown in the Five Year Capital Improvement Program.

Sec. 9-282. A Parks and Recreation Improvement Program is hereby ordered and adopted. This section is enacted pursuant to the authority granted by Section 66477 of the State Government Code. The purpose of this article is to provide for the development of park and recreation facilities through subdivision regulations. Each person constructing any new dwelling unit, habitation unit or space for a mobile home in the City of Pomona shall dedicate lands or pay fees in lieu thereof, or a combination of both, for park and recreational purposes. Dedication requirements shall be conveyed to the City concurrent to recordation of the Final Map or prior to issuance of building permits. In-lieu fees shall be paid to the City prior to issuance of building permits.

Sec. 9-283. Land dedication figures per dwelling unit and in-lieu fees per dwelling unit shall be based on a ratio of 3.0 acres of park per 1,000 persons pursuant to Section 66477 (b) of the State Government Code. The number of persons per dwelling unit shall reflect the most recent Department of Finance figures. The actual amount of land dedication or fee amount shall be as periodically set by resolution of the City Council.

Sec. 9-284. The fees required pursuant to this ordinance shall be paid to the City of Pomona and deposited into a separate Park Improvement Fund. Moneys in this fund shall be expended solely for the construction or reimbursement for construction of park improvements or to reimburse the City of Pomona for the cost to design and construct such facilities.

Sec. 9-285. A public safety improvement program is hereby ordered and adopted in order to implement to City's capital facilities needs for public safety services. The needs are shown in the Five Year Capital Improvement Program.

- a. Public safety improvement fee. A public safety improvement fee is hereby established which shall be collected from all land developers in the City of Pomona prior to the issuance of building or public works permits. The fee amount shall be as periodically set by resolution of the City Council.

- b. Public Safety Improvement Fund. The fees required pursuant to this ordinance shall be paid to the City of Pomona and deposited into a separate Public Safety Improvement Fund. Moneys in this fund shall be expended solely for the construction or reimbursement for construction of public safety improvements as shown in the Five Year Capital Improvement Program.

Sec. 9-286. A developer of any development project subject to the fees described in this chapter may apply to the City Council for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged or the type of facilities to be financed. The request shall be made in writing and filed with the City Council. A building or public works permit shall not be issued until such time the City Council has rendered a decision upon the request. The request shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The City Council shall consider the request within 30 days after the filing of the fee adjustment application. If a reduction, adjustment or waiver is granted and approved by the City Council, any change in use or size of the project shall invalidate the waiver, adjustment or reduction of the fee. This ordinance shall not affect any development which has received final Planning Commission or City Council approval.

-SECTION 2. This ordinance shall become effective immediately as an emergency ordinance in order that the health, safety and welfare of the City should be furthered for the reason that this is a crucial requirement in financing crucially needed capital improvement projects. It shall also become effective as a regular ordinance upon its second and final reading, posting as required by law, and the elapse of thirty days.

APPROVED, PASSED AND ADOPTED this 14th day of August, 1989, as an Emergency Ordinance.

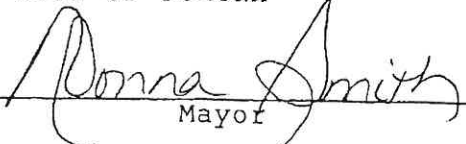
APPROVED, PASSED AND ADOPTED this 14th day of August, 1989, as a Regular Ordinance.

ATTEST:



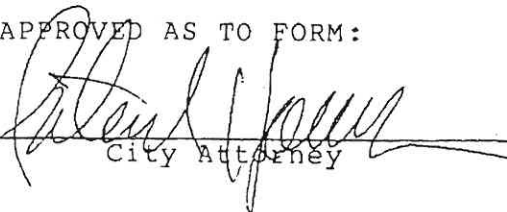
City Clerk

THE CITY OF POMONA

BY 

Mayor

APPROVED AS TO FORM:

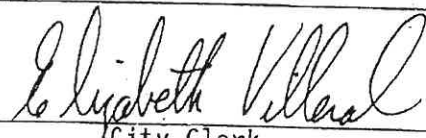


City Attorney

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I HEREBY CERTIFY that the foregoing Ordinance was introduced at a _____ regular meeting of the Council of said City, held on the 7th day of August, 1989 and thereafter at an adjourned regular meeting of said Council held on the 14th day of August, 1989 was reread, and was approved and adopted as an Emergency and Second Reading Ordinance by the following vote, to wit:

AYES:	Councilmember:	<u>Soto, Ursua, Bryant, (Mayor) Smith.</u>
"	"	_____
NOES:	"	<u>Nymeyer.</u>
ABSTENTIONS:	"	_____
ABSENT:	"	_____



City Clerk

THE CITY OF
POMONA

Office of the City Clerk

ELIZABETH VILLERAL
City Clerk



DECLARATION OF POSTING

I, ELIZABETH VILLERAL, say: That I am employed by the City of Pomona in the capacity of CITY CLERK: that on the 16th day of August 1989, I posted ORDINANCE NO. 3506 at the following places to wit:

- (a) On the bulletin board in the lobby of the City Hall of the City of Pomona.
- (b) On the official bulletin board in the County Courts Building.
- (c) On the bulletin board in the lobby at the Pomona Public Library.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT
AND IF SWORN AS A WITNESS, I CAN TESTIFY COMPETENTLY THERETO.

Executed this 16th day of August, 1989.


Declarant

* 700 mail on Target