

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Regular Meeting Agenda

Monday, July 15, 2024

**Closed Session begins at 5:30 p.m. in the Council Chambers
(City Council will move to the Chuck Bader Conference Room after
Closed Session Public Comment)**

&

7:00 p.m. in the Council Chamber

City Council / Housing Authority / Successor Agency to the Redevelopment Agency

*Mayor Tim Sandoval
Vice-Mayor Nora Garcia
Councilmember John Nolte
Councilmember Victor Preciado
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert Torres*

VISION STATEMENT

Pomona will be recognized as a vibrant, safe, beautiful community that is a fun and exciting destination and the home of arts and artists, students and scholars, business and industry.

PLEASE NOTE

The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Members of the City Council.

Members of the City Council and the public are reminded that they must preserve order and decorum throughout the Meeting. In that regard, Members of the City Council and the public are advised that any delay or disruption in the proceedings or a refusal to obey the orders of the City Council or the presiding officer constitutes a violation of these rules.

- The conduct of City Council meetings is governed by the portion of the California Government Code commonly known as the "Brown Act" and by the Pomona City Council Meeting Rules of Procedure.*
- The City Council meeting is for conducting the City's business, and members of the audience must obey the rules of decorum set forth by law. This means that each speaker will be permitted to speak for three minutes to address items that are listed on the City Council agenda or topics which are within the jurisdictional authority of the City.*
- No profanity, personal attacks, booing, cheering, applauding or other conduct disruptive to the meeting will be permitted. Any person not adhering to the Rules of Procedure or conduct authorized by the Brown Act may be asked to leave the Council Chambers.*
- All comments directed to the City Council or to any member of the City Council must be directed to the Mayor (or Vice Mayor if the Mayor is absent).*

We ask that you please respect the business nature of this meeting and the order required for the proceedings conducted in the Council Chambers.

ACCESSIBILITY

The City of Pomona wishes to make all of its public meetings accessible to the public. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City's Administration Office at (909) 620-2051 at least 48 hours before the meeting, if possible. Additionally, Listening Assistive Devices are available for the hearing impaired; please see the City Clerk.

Agenda-related writings or documents provided to the City Council are available for public inspection in the Office of the City Clerk and on the City's website www.pomonaca.gov. Persons who have questions concerning any agenda item may call the City Clerk's Office at (909) 620-2341.

SPANISH INTERPRETATION / INTERPRETACIÓN EN ESPAÑOL

If you require Spanish interpretation, a bilingual interpreter is available at Regular City Council meetings and may be available at Special meetings, if necessary.

Si necesita interpretación en español, un intérprete bilingüe está disponible en las juntas regulares del Concejo Municipal y puede estar disponible en juntas especiales, si es necesario.

5:30 P.M.

In the Chuck Bader Conference Room

CLOSED SESSION

Held in the Chuck Bader Conference Room adjacent to the Council Chambers on the south side of the building.

CALL TO ORDER

PUBLIC COMMENT

Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council prior to the City Council convening into closed session. Comments from the public will be limited to three (3) minutes. No member of the public will be allowed to be present once the City Council convenes into closed session.

CLOSED SESSION AGENDA ITEMS

A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Pursuant to Government Code Section 54956.9(a) and (d)(1))

City of Pomona, et al. v. M & A Gabae, et al.
Los Angeles County Superior Court
Case No. 22PSCV03011

City of Pomona v. SQM North America Corporation
U.S.D.C. No. 2:11-cv-00167-RGK-JEM

Vincent Terrell v. City of Pomona
Los Angeles County Superior Court
Case No. 20PSCV00677

7:00 P.M.

Council Chambers

CALL TO ORDER

CLOSED SESSION REPORT

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

*A Proclamation of the City Council of the City of Pomona Proclaiming August 6, 2024 as "National Night Out" in the City of Pomona

Attachments: [National Night Out](#)

MAYOR/COUNCILMEMBER COMMUNICATIONS

Reports on conferences, seminars, and regional meetings attended by Mayor and City Council and announcements of upcoming events, and also items for future City Council consideration as requested by Mayor or Members of the City Council.

Additionally, this is the time for Mayor and City Council to disclose on the record any contributions per Charter Section 1403. This section states "Prior to casting a vote on any contract, permit, or other matter requiring City Council approval where the applicant seeking approval is a person or business entity controlled by that person that has contributed more than five hundred dollars (\$500) within the previous twelve (12) months to a Councilmember's City election campaign committee, the Mayor or Councilmember receiving such contribution(s) shall disclose on the public record the receipt of said contribution(s).

CITY MANAGER COMMUNICATIONS

Reports from the City Manager.

PUBLIC PARTICIPATION

Public Participation – At this time, the public is invited to address the Council concerning any items not on the agenda.

Together the City Council members, City staff, and public honor Pomona's important City meeting values:

- *To speak and to listen to everyone with respect and courtesy;*
- *To honor fairness in our cherished democratic process;*
- *To affirm Pomona's dedication to lead as a Compassionate City.*

Thank you all for keeping these values and this commitment to act with them ever present in our minds as we proceed with the meeting together. In order to address the City Council, each individual must fill out a speaker card, which is available in the lobby of the Council Chambers. Speaker cards must be completed and turned in to the City Clerk at this time. Only those speaker cards turned in to the City Clerk will be allowed to address the City Council. No late cards will be accepted. Each person should state their name and will be allowed to speak once for three minutes. All speakers and persons in the audience must adhere to the City Council Rules of Procedure and Decorum.

CONSENT CALENDAR

All matters under the Consent Calendar may be enacted by a single motion without separate discussion. If discussion or a separate vote on any item is desired by a Councilmember, that item may be removed from the Consent Calendar and considered separately. All consent items pulled for discussion will be limited to five minutes. If they are not enacted upon within five minutes, the Mayor will move that Consent Item to the end of the Agenda, after consideration of the public hearings. Any motion relating to an ordinance or a resolution shall also waive the reading of the ordinance or resolution and include its introduction or adoption as appropriate.

1. Approval of City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes

It is recommended that the City Council approve the following City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes:

June 17, 2024 Regular Meeting Minutes

Attachments: [FINAL MINUTES 6-17-2024.pdf](#)

2. A Resolution to Amend the FY 2024-25 CIP Budget; and Award of Construction Contract

to California Professional Engineering, Inc. in the Amount of \$377,225 for "Streetlights - Citywide (CDBG) (FY 22-23 to FY 24-25)," Project No. 428-2590-XXXXX-64777

It is recommended that the City Council approve the following actions:

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2024-25 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY UNAPPROPRIATING \$73,000 OF GENERAL FUNDS FROM "ADA CURB RAMPS AND PATH OF TRAVEL - CITYWIDE (CDBG) (FY 21-22)," PROJECT NO. 428-2590-XXXXX-67934 AND \$17,775 OF MEASURE R FUNDS FROM "STREET PRESERVATION - LOCAL (FY 21-22)," PROJECT NO. 428-2590-XXXXX-68572, AND APPROPRIATING THOSE FUNDS TO "STREETLIGHTS - CITYWIDE (CDBG) (FY 22-23 TO FY 24-25), PROJECT NO. 428-2590-XXXXX-64777

- 2) Find that the Project referenced above is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c) and that the proposed project will not have significant effect on the environment;
- 3) Find that the apparent low bidder, Metrocell Construction, Inc., is not responsive bidder;
- 4) Award a construction contract to California Professional Engineering, Inc. for "Streetlights - Citywide (CDBG) (FY 22-23 to (FY 24-25)," Project No. 428-2590-XXXXX-64777, to include all Base Bid items in the amount of \$377,225; and
- 5) Authorize the City Manager, or her designee, to execute the construction contract/agreement and related documents (permits, etc.).

Attachments: [Staff Report](#)
[Attachment 1 - Resolution No. 2024-101.docx](#)
[Attachment No. 2 - Project Location Map](#)

3. Adoption of a Resolution Amending the FY 2024-25 Operating Budget for the Outdoor & Active Youth Program and Accept Grant Funds from Pomona Unified School District

It is recommended that the City Council take the following actions:

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-105 - A RESOLUTION OF THE CITY COUNCIL OF

THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2024-25 OPERATING BUDGET FOR THE OUTDOOR & ACTIVE YOUTH PROGRAM GRANT FUND IN DECREASING REVENUE ESTIMATES AND APPROPRIATION BY \$250,150 AND ACCEPTING FUNDS OF \$676,100 FROM POMONA UNIFIED SCHOOL DISTRICT IN GRANT FUNDING

- 2) Authorize the City Manager, or designee, to execute an agreement and any subsequent amendments subject to review by the City Attorney.

Attachments: [Staff Report](#)

[Attachment 1: Resolution 2024-105](#)

4. Resolution Approving the Submittal of Delinquent Solid Waste (Trash) Collection Accounts to the County Auditor-Controller to Be Included as a Special Assessment on the FY 2024-25 Property Tax Roll

It is recommended that the City Council take the following actions:

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-107 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING AND DIRECTING THE LOS ANGELES COUNTY AUDITOR-CONTROLLER TO INCLUDE DELINQUENT SOLID WASTE (TRASH) COLLECTION ACCOUNTS FROM ATHENS SERVICES AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS COUNTY TAXES

- 2) Approve the lien list of delinquent Solid Waste (Trash) collection accounts be submitted to the Los Angeles County Auditor-Controller no later than August 1, 2024, to be included as a special assessment for the respective affected parcel on the County property tax rolls.

Attachments: [Staff Report](#)

[Attachment No. 1 - Resolution](#)

5. Amend the Fiscal Year 2024-25 Operating Budget by Appropriating \$550,000 from the Refuse Administration Fund Balance to Allow for the Purchase and Installation of Additional New Citywide Street Sweeping Signs

It is recommended that the City Council take the following actions:

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-109 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2024-25

**OPERATING BUDGET BY APPROPRIATING \$550,000 FROM THE REFUSE
ADMINISTRATION FUND BALANCE TO ALLOW FOR THE PURCHASE AND
INSTALLATION OF ADDITIONAL NEW CITYWIDE STREET SWEEPING SIGNS**

- 2) Award a purchase order to Safety Network Traffic Signs, Inc. in the amount of \$350,000 for the purchase of new Citywide street sweeping signs.

Attachments: [Staff Report](#)

[Attachment No. 1 - Resolution No. 2024-109](#)

6. Amend the Fiscal Year 2024-25 Operating Budget by Appropriating \$250,000 from the General Fund Reserves for Abatement Activities at Palm Lake Golf Course and for the Purchase of a Mower

It is recommended that the City Council adopt the following resolution:

**RESOLUTION NO. 2024-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2024-25 OPERATING
BUDGET BY APPROPRIATING \$250,000 FROM THE GENERAL FUND RESERVES
FOR ABATEMENT ACTIVITIES AT PALM LAKE GOLF COURSE AND FOR THE
PURCHASE OF A MOWER**

Attachments: [Staff Report](#)

[Attachment No. 1 - Resolution](#)

7. Adoption of a Resolution Approving the Annual Report for the Downtown Pomona Property and Business Improvement District (PBID) And Levying the Assessments for FY 2024-2025

It is recommended that the City Council adopt the following resolution:

**RESOLUTION NO. 2024-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF POMONA, CALIFORNIA, APPROVING THE DOWNTOWN POMONA PROPERTY
AND BUSINESS IMPROVEMENT DISTRICT (PBID) ANNUAL REPORT FOR FISCAL
YEAR 2024-25 AND AUTHORIZING THE LEVYING OF THE FY 2024-25
ASSESSMENTS**

Attachments: [071524 CC Rpt PBID Annual Report - Amounts Added 6-30-24](#)

[Attch 1 071524 Reso-2024-102](#)

[Exhibit A to Reso 2024-102](#)

[Attach 2 map](#)

8. Authorize City Staff to Reject Bids for “Bus Stop Maintenance, Transit Centers Power and Pressure Washing Services,” and Extend Agreement with Parkwood Landscape Maintenance, Inc.

It is recommended that the City Council take the following actions:

- 1) Authorize the rejection of a bid from Urban Graffiti Enterprises, Inc. for “Bus Stop Maintenance, Transit Centers Power and Pressure Washing Services,” Invitation for Bid (IFB) No. 2024-23;
- 2) Approve a six-month extension to Parkwood Landscape Maintenance, Inc.’s contract for a not-to-exceed amount of \$137,000 to allow for continued maintenance services and a new bidding process; and
- 3) Authorize the City Manager, or designee, to execute necessary documents and any extensions or amendments thereto on behalf of the City, subject to review by the City Attorney.

Attachments: [Staff Report](#)

9. Approval of Right-of-Way Sales Contracts Totaling \$19,200 for City-Owned Properties Associated with the State Route 71 Widening Project

It is recommended that the City Council approve Right-of-Way Contracts (Contracts) with the State of California Department of Transportation (DOT) and authorize the City Manager to execute the contracts and all related amendments, subject to approval as to form by the City Attorney.

Attachments: [071524 CC report for sale of ROW to DOT](#)
 [Attach 1-3](#)

10. Resolution Amending the Fiscal Year (FY) 2024-25 Capital Improvement Program (CIP) Budget for “City Hall Complex Remodel & Flooring” Project No. 428-2590-XXXXX-74115

It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2024-110 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2024-25 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$14,460 OF LEASE PROCEEDS FUNDS FROM FUND 418 RESTRICTED CASH ACCOUNT TO THE “CITY HALL COMPLEX REMODEL & FLOORING,” PROJECT NO. 428-2590-XXXXX-74115

Attachments: [Staff Report - CityHall Remodel](#)
 [Attach 1 - Resolution 2024-110](#)

11. Award of Contract to G.M. Sager Construction Company, Inc. for Citywide As-Needed Concrete and Pavement Repair Services at Prices Bid

It is recommended that the City Council take the following actions:

- 1) Approve the award of a three-year contract with two (2) optional one-year extensions to G.M. Sager Construction Company, Inc. (GM Sager) for Citywide as-needed concrete and pavement repair services at prices bid, effective August 1, 2024, through July 31, 2027; and
- 2) Authorize the City Manager, or designee, to execute necessary documents and any extensions or amendments thereto on behalf of the City, subject to review by the City Attorney.

Attachments: [Staff Report.docx](#)
 [Attachment No. 1 - Bid Results List](#)

12. Appeal of Planning Commission Decision to Approve a Housing Development Project housing development project (*Case File: DPR 72-2024*) to develop a 5.5 acre site with 289 dwelling units within two, four-story buildings with private and common open spaces, subterranean parking, garage parking, surface parking, covered parking, landscaping, trash facilities, and a privately owned public linear park at 3101-3191 North Garey Avenue.

It is recommended that the City Council uphold the decision of the Planning Commission.

Attachments: [Staff Report](#)
 [Attachment 1 - Draft Minutes of 6-12-2024 Planning Commission](#)
 [Attachment 2 - Staff Report of Planning Commission](#)
 [Attachment 3 - Draft of Approved Planning Commission Resolution](#)
 [Attachment 4- DPR Staff Report](#)
 [Attachment 5 - PC Proof of Publication and Mailing](#)
 [Attachment 6 - DPR Draft Resolution 24-002](#)
 [Attachment 7- Site Photographs](#)
 [Attachment 8- Proposed Plans](#)
 [Attachment 9 - PCSP Compliance Summary Table](#)
 [Attachment 10- Density Bonus Request Letter by the Applicant](#)
 [Attachment 11 -DPR Proof of Publication & Mailing](#)
 [Attachment 12 - Previous Public Comments by Email](#)
 [Attachment 13 - Appeal.pdf](#)

DISCUSSION CALENDAR

13. Finding of Public Benefit to the Community at Large-Recommended Expenditure(s) and Recap of Expended Funds

It is recommended that the City Council take the following actions:

- 1) Approve the expenditure(s) recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended item(s); and
- 2) Receive and file the recap of final amounts.

Attachments: [FOPB Staff Report](#)
 [Attachment](#)

14. Appeal of Staff Decision to Deny the Establishment of a Preferential Parking District on Randolph Street

It is recommended that the City Council discuss the appeal of the Staff decision to deny the establishment of a preferential parking district on Randolph Street from Park Avenue to Wisconsin Street. After discussion, the City Council can take one of two actions:

- 1) Option 1: Uphold Staff's decision to deny the request; or
- 2) Option 2: Approve the establishment of a preferential parking district on Randolph Street from Park Avenue to Wisconsin Street.

Attachments: [Staff Report](#)
 [Attachment No. 1 - Notification Letter](#)
 [Attachment No. 2 - Denial Email](#)
 [Attachment No. 3 - Appeal Letter](#)

15. Appeal of Staff Decision to Deny the Establishment of Preferential Parking District on Hartford Place

It is recommended that the City Council discuss the appeal of the staff decision to deny the establishment of a preferential parking district on Hartford Place. After discussion, the City Council can take one of two actions:

- 1) Option 1: Uphold staff's decision to deny the request;
- OR
- 2) Option 2: Establish the preferential parking district on Hartford Place.

Attachments: [Staff Report](#)
 [Attachment No. 1](#)
 [Attachment No. 2](#)

PUBLIC HEARINGS

16. Public Hearing Regarding the Levy of Fiscal Year 2024-25 Assessments for the Consolidated Citywide Street Lighting and Landscaping Maintenance District

It is recommended that the City Council take the following actions:

- 1) Conduct a Public Hearing regarding the levy of assessments for the Consolidated Citywide Street Lighting and Landscaping Maintenance District for FY 2024-25; and
- 2) After receiving public comments and testimony, close the Public Hearing and adopt the following Resolution:

RESOLUTION NO. 2024-93 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, CONFIRMING THE ASSESSMENT DISTRICT DIAGRAM, ZONE BOUNDARIES, AND THE LEVY OF FISCAL YEAR 2024-25 ASSESSMENTS FOR THE CONSOLIDATED CITYWIDE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT

Attachments: [Staff Report](#)
 [Attachment 1 - Resolution](#)
 [Attachment 2 - Notice of Public Hearing](#)
 [Attachment 3 - City of Pomona Engineer's Report FY 24-25](#)

ADJOURNMENT

The next Regular Meeting will be held on August 5, 2024 in the City Council Chambers, 505 S. Garey Avenue, Pomona, California. Closed Session items will be discussed at 5:30 p.m. The Open Session will commence at 7:00 p.m.

CERTIFICATION OF POSTING AGENDA

I, Rosalia A. Butler, MMC, City Clerk for the City of Pomona, hereby certify that the agenda for the July 15, 2024 meeting of the City Council was posted in City Hall, near the door of the City Council Chambers and the Chuck Bader Conference Room, and on the City's website www.pomonaca.gov on July 10, 2024.

I declare under the penalty of perjury that the foregoing is true and correct.

*/s/ Rosalia A. Butler, MMC
City Clerk*