

City of Pomona

505 South Garey Avenue
Pomona, CA 91766



Revised Regular Meeting Agenda

Monday, April 17, 2017

7:00 PM

Council Chambers

City Council

Mayor Tim Sandoval
Council Member Rubio R. Gonzalez
Council Member Adriana M. Robledo
Council Member Cristina Carrizosa
Council Member Elizabeth Ontiveros-Cole
Council Member Ginna E. Escobar
Council Member Robert S. Torres

VISION STATEMENT

Pomona is a vibrant city providing a safe, clean, family oriented community. We are committed to being a city that promotes harmonious diversity and economic prosperity.

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.ci.pomona.ca.us. 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. Please note that if no one requests assistance by 8:00 pm, the interpreter will be dismissed.

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. Tenga en cuenta que si nadie solicita asistencia antes de las 8:00 pm, el intérprete será despedido.

5:30 P.M.**CLOSED SESSIONS**

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

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.

~~A. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION~~

~~One matter regarding possible litigation to be initiated will be discussed (Pursuant to Government Code Section 54956.9 (d)(4))~~

A. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6)

Part Time Unrepresented Employees
Unrepresented Group A and B Employees
Unrepresented Mid-Management Group C-2 Employees
Pomona City Employees' Association, a Chapter of Teamsters Local 1932
Pomona Mid-Management Confidential Employees Association (PMMCEA)
Pomona Police Officers Association (PPOA)
Pomona Police Managers Association (PPMA)

Labor Negotiators: Linda Lowry and Linda Matthews

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)

~~Property: VPD Lots 6 & 7 (APNs 8341-003-901 and 8341-004-902)
Vacant VPD Lots (APNs 8341-003-903, 904, 905, 906, 907, 908 and 909); the Gist Building (APN 8341-003-902)~~

~~Negotiating Party: Maya Cinemas
City's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms~~

Property: 101 W. Mission Blvd., Mission Promenade I
Negotiating Party: 1) OPTIMAX Irrevocable Trust I and Private Eq. Irrevocable Trust II, 2) Jason Abboud, 3) Value Add Properties, LLC, and 4) RKR Investors Real Estate Fund

Successor Agency's
Negotiator: Linda Lowry, City Manager/Executive Director
Under Negotiation: Price and Terms

C. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Pursuant to Government Code Section 54956.9 (d)(1))

Citizens for Amending Prop L, et al. v. City of Pomona, et al.

City of Pomona v. Sociedad Quimica Y Minera De Chile S.A., et al.

7:00 P.M.

CALL TO ORDER

ROLL CALL

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- A.** Approve and present a Proclamation proclaiming the week of April 23-30, 2017 as “Days of Remembrance” in the City of Pomona

Attachments: [Staff Report](#)
 [Attachment - Proclamation](#)

- B.** Approve and present a Proclamation proclaiming Monday, April 24, 2017 as “Armenian Genocide Day of Remembrance” in the City of Pomona

Attachments: [Staff Report](#)
 [Attachment - Proclamation](#)

- C.** Approve and present a Proclamation proclaiming Saturday, April 29, 2017 as “Cesar Chavez Community Day” in the City of Pomona

Attachments: [Staff Report](#)
 [Attachment - Proclamation](#)

MAYOR/COUNCILMEMBER COMMUNICATIONS

Reports on conferences, seminars, and regional meetings attended by Mayor and City Council and announcements of upcoming events.

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.

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. Approve an amendment to the Tierra West Advisors Professional Services Agreement for economic and feasibility services for various Downtown projects in the amount of \$50,000
Attachments: [Staff Report](#)
 [Attachment](#)
2. Approve a letter in support of Mayfair Hotel's inclusion into the National Register of Historic Places
Attachments: [Council Report](#)
3. Approve Staff's recommendation to support Assembly Bill 346 (Daly), Assembly Bill 1180 (Holden), Senate Bill 589 (Hernandez) and SB 541 (Allen) as proposed
Attachments: [Staff Report](#)
 [AB346 - Legislative Text](#)
 [AB1180 Legislative Text](#)
 [SB589 Legislative Text](#)
 [SB541 Legislative Text](#)
4. Approve a Memorandum of Understanding (MOU) with Fairplex Association to clarify Section 3.6 of Resolution No. 90-132, Participation Agreement, and receive \$120,000 as settlement payment for 10% "Net Profit" calculation for food and beverage operations at the Sheraton Hotel from 2011-2016
Attachments: [Staff Report](#)
 [Attachment 1](#)
 [Attachment 2](#)
 [Attachment 3](#)
5. Adopt a Resolution approving the updated City of Pomona 457 Deferred Compensation Plan to include provisions for making loans available to Plan participants and related amendment to the contract with MassMutual

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA,
ADOPTING THE CITY OF POMONA 457 DEFERRED COMPENSATION PLAN DOCUMENT
TO ADD LOAN PROVISIONS

Attachments: [Staff Report](#)
 [Attachment - Resolution](#)
 [Exhibit A](#)

6. Approve an amendment to the existing contract with Pomona Valley YMCA for aquatic services to increase the annual contract amount by \$7,837.40 through the 2019 Summer Season

Attachments: [Staff Report](#)

7. Adopt a Resolution authorizing Harris and Associates as the Engineer of Record for Fiscal Year 2017-18 and ordering preparation of the FY 2017-18 Engineer's Report for the Annual Assessment Levy of Consolidated Citywide Street Lighting and Landscaping Maintenance District

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AUTHORIZING HARRIS AND ASSOCIATES AS THE ENGINEER OF RECORD FOR FISCAL YEAR 2017-18 AND ORDERING PREPARATION OF THE 2017-18 ENGINEER'S REPORT FOR ANNUAL ASSESSMENT LEVY OF CONSOLIDATED CITYWIDE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT

Attachments: [Staff Report](#)
 [Attachment 1 - Resolution Engineer of Record](#)

8. Adopt a Resolution amending the Fiscal Year 2016-17 CIP Budget by accepting and appropriating \$10,431 in rebates from SoCal Water Smart of Metropolitan Water District of Southern California to the "Park Irrigation System Upgrade Program - District 4," Project No. 428-2590-xxxxx-71030

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY ACCEPTING \$10,431 IN REBATES FROM SOCAL WATER SMART PROGRAM OFFERED BY THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA AND APPROPRIATING THE FUNDS TO CIP PROJECT "PARK IRRIGATION SYSTEM UPGRADE PROGRAM - DISTRICT 4," PROJECT NO. 428-2590-XXXXX-71030

Attachments: [Staff Report](#)
 [Attachment 1 - Resolution](#)
 [Attachment 2 - Parks Projects Transaction](#)
 [Attachment 3 - Previous Council Related Action](#)

9. Award a purchase to Miracle Recreation Equipment Company for replacement playground equipment at Montvue Park in the amount of \$36,778

Attachments: [Staff Report](#)
 [Attachment 1 - Montvue Park Quote](#)
 [Attachment 2 - Montvue Park Rendering](#)
 [Attachment 3 - Picture Prior to the Fire](#)

10. Adopt a Resolution approving a Youth Employment Plan Agreement with California Conservation Corps - Pomona Center (CCC) for the Pomona Homeless Encampment Action Response Team (HEART) Program

RESOLUTION 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A YOUTH EMPLOYMENT PLAN AGREEMENT WITH CALIFORNIA CONSERVATION CORPS - POMONA CENTER (CCC) FOR THE HOMELESS ENCAMPMENT ACTION RESPONSE TEAM (HEART) PROGRAM

Attachments: [Staff Report](#)
 [Attachment 1 - Resolution](#)
 [Exhibit A - CCC Sponsor Agreement](#)

11. Adopt a Resolution Amending the FY 2016-17 Capital Improvement Program (CIP) Budget by Closing Various Unfunded Water Projects; and Re-appropriating (Exchanging) \$1,602,567 of Series "AY" Water Bond Proceeds with Water Fund Monies

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CLOSING VARIOUS UNFUNDED WATER PROJECTS AND RE-APPROPRIATING \$1,602,567 OF SERIES "AY" WATER BOND PROCEEDS WITH WATER FUND MONIES AS INDICATED IN TABLE 1

Attachments: [Staff Report](#)
 [Attachment 1 - Resolution](#)
 [Exhibit A - Water Project Close List](#)

DISCUSSION CALENDAR

12. Approve Findings of Public Benefit to the Community at Large for Recommended Expenditures and Recap Approved Funds

CURRENT REQUESTS:

- A) Amount to be determined to Ranch Hills Elementary School PTA in support of their Color-A-Thon Fundraising Event - Requested amount: TBD
- B) Amount to be determined to the Costanoan Rumsen Carmel Tribe in support of their Annual Pow Wow Event - Requested amount: \$700
- C) Amount to be determined to the Downtown Pomona Owners Association in support of their Annual Miss Pomona Scholarship Pageant - Requested amount: \$1,200
- D) \$500 to Garey High School in support of student scholarships for the Class of 2017
- E) Amount to be determined to Kennedy Austin Foundation in support of their Annual

Million Mothers March - Requested amount: \$1,500

- F) Amount to be determined to the City of Pomona Cultural Arts Commission in support of the Ganesha Park Tree Carving Dedication Ceremony taking place on April 22, 2017 - Requested amount: TBD
- G) Amount to be determined to City of Pomona Community Services Division for fees associated with J.E.T.M.A.C., Inc.'s 27th Annual Pomona Valley Juneteenth Family Gospel and Jazz Festival - Requested amount: \$5,000

Attachments: [Staff Report](#)
 [Attachments 1-8](#)

13. Provide direction to staff on the appropriate language for the remaining plaque to commemorate the wood carvings at Ganesha Park

Attachments: [Wood Carving Plaque Language Staff Report - 4-17-17.docx](#)
 [Ganesha Park Plaque-ATTACHMENT A.docx](#)
 [Ganesha Park Plaque-ATTACHMENT B.docx](#)
 [Ganesha Park Plaque-ATTACHMENT C.docx](#)

PUBLIC HEARINGS

14. Conduct a Public Hearing and introduce, at first reading, an Ordinance approving Code Amendment (CODE 6026-2016) to amend the City of Pomona Zoning Ordinance to include a water efficiency landscape Ordinance and to update the development standards for Citywide landscaping requirements for all Zoning Districts, in compliance with State requirements promulgated by Governor's Executive Order B-29-15

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING CODE AMENDMENT (CODE 6026-2016) TO AMEND SECTION .503-J ("LANDSCAPING/IRRIGATION"), SECTION .280 ("R-2 LOW DENSITY MULTIPLE-FAMILY ZONE"), SECTION .290 ("R-3 MEDIUM DENSITY MULTI-FAMILY ZONE"), SECTION .300 ("R-4 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONE") OF THE CITY OF POMONA ZONING ORDINANCE (PZO), IN COMPLIANCE WITH STATEWIDE WATER EFFICIENT LANDSCAPE REQUIREMENTS PROMULGATED BY GOVERNOR'S EXECUTIVE ORDER B-29-15

Attachments: [Staff Report](#)
 [Attachment 1: Existing Zoning Ordinance Sec. .503-J](#)
 [Attachment 2: Proposed New Zoning Ordinance Sec. .503-J](#)
 [Attachment 3: Comparison of Existing and Proposed New Zoning Ordinance Se](#)
 [Attachment 4: Draft Amendment to Zoning Ordinance Sec. .280](#)
 [Attachment 5: Draft Amendment to Zoning Ordinance Sec. .290](#)
 [Attachment 6: Draft Amendment to Zoning Ordinance Sec. .300](#)
 [Attachment 7: Planning Commission staff report and attachments dated Feb. 22](#)
 [Attachment 8: Unofficial Planning Commission Meeting Minutes from Feb. 22, 2](#)
 [Attachment 9: City Council Ordinance Approving CODE 6026-2016](#)

MATTERS INITIATED BY CITY COUNCILMEMBERS

Items for future City Council consideration as requested by Mayor or Members of the City Council

ADJOURNMENT

This meeting will adjourn to a Special Study Session on Monday, April 24, 2017 at 7:00 p.m. at the Sheraton Fairplex Conference Center located at 601 W. McKinley Ave., Pomona, CA 91768.

CERTIFICATION OF POSTING AGENDA

I, Eva M. Buice, MMC, City Clerk for the City of Pomona, hereby certify that the agenda for the April 17, 2017 meeting of the City Council was posted in City Hall, near the door of the City Council Chambers and City Council Conference Room, and on the City's website www.ci.pomona.ca.us on Wednesday, April 12, 2017.

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

*/s/ Eva M. Buice
City Clerk*