

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Revised Regular Meeting Agenda

Monday, November 4, 2019

5:30 p.m. in the Closed Session Room & 7:00 p.m. in the Council Chambers

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

*Mayor Tim Sandoval
Councilmember Rubio R. Gonzalez
Vice-Mayor Victor Preciado
Councilmember Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert S. 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.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.

In the Closed Session Room

CLOSED SESSION

Held in the City Council 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(d)(1))

Inland Valley Humane Society v. City of Pomona
L.A. County Superior Court; Case No. BC599074

B. PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code Section 54957(b)(1))

City Manager

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

One matter regarding exposure to litigation will be discussed (Pursuant to Government Code Section 54956.9 (d)(2))

7:00 P.M.

Reconvene in the Council Chambers

CALL TO ORDER

CLOSED SESSION REPORT

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

- A. Certificate of Recognition to Pomona Veteran(s)
- B. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming the Month of November 2019 as “National Gratitude Month” in the City of Pomona

Attachments: [National Gratitude Month Proclamation](#)
- C. Review of Policy and Procedures for Street Sweeping Signage
- D. Presentation from Pomona Chamber of Commerce

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.

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 and 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:

December 17, 2018 Meeting Minutes

October 7, 2019 Meeting Minutes

Attachments: [FINAL MINUTES 12-17-18](#)
 [FINAL MINUTES 10-7-19](#)

2. Fairplex Mitigation Fund Advisory Committee Bylaws

It is recommended that the City Council review and approve the Fairplex Mitigation Fund Advisory Committee Bylaws.

Attachments: [Fairplex Mitigation Committee Accepted Edits](#)
 [Attachment 2 Agreement Regarding Interim Use of Fairplex.pdf](#)
 [Fairplex mitigation fund bylaws_Finalfinal Version \(4\) \(2\).docx-shar](#)

3. Approval of Parcel Map PM No. 74582 for the Property Located at 2771 N. Garey Avenue, Pomona, CA, Assessor Parcel Number 8371-011-026, Related to the Subdivision of One Parcel into Two Numbered Lots and Two Lettered Lots for the Santa Fe Residential and Mixed-Use Development (Council District 6)

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

1) Adopt the following resolution:

RESOLUTION NO. 2019-177 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING PARCEL MAP PM 74582 FOR THE PROPERTY LOCATED AT 2771 N. GAREY AVENUE, ASSESSOR PARCEL NUMBER 8371-011-026

2) Authorize the City Engineer to sign the Parcel Map PM 74582 on behalf of the City.

Attachments: [Staff Report](#)
 [Proposed Resolution 2019-177](#)
 [Exhibit A](#)
 [Attachment 2 Substantial Conformance and Consistency letter](#)
 [Attachment 3 - Planning Commission Resolution No. 17-052](#)
 [Attachment 4 Planning Commission Resolution No. 17-053](#)
 [Attachment 5 - Vicinity Map](#)
 [Attachment 6 - Aerial Map](#)

4. Award of a Sole Source Contract to the Weed Hazard and Pest Management Bureau of the Los Angeles County Department of Agricultural Commissioner Weights and Measures for Required Weed Abatement

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

- 1) Award a sole source contract to the Weed Hazard and Pest Management Bureau of the Los Angeles County Department of Agricultural Commissioner - Weights and Measures to clear grass, weeds, and/or brush in compliance with the Los Angeles County Fire Code for the attached parcels; and
- 2) Authorize the City Manager to execute the Letter of Authorization.

Attachments: [Staff Report - Sole Source County Dept of Agricultural Commissioner](#)
[Attachment 1 - Letter of Authorization](#)

5. Acceptance of \$4,000,000 in Lead Hazard Reduction Grant Funds and \$600,000 in Healthy Homes Supplement; Amendment of the FY 2019-20 Operating Budget to Increase Revenue Estimates and Appropriate \$4,000,000 in Federal Funds for the Lead Hazard Control Program and \$600,000 for the Healthy Homes Program

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-174 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING \$4,000,000 IN LEAD HAZARD REDUCTION GRANT FUNDS AND \$600,000 IN HEALTHY HOMES SUPPLEMENT; AMENDING THE FY 2019-20 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATE \$4,000,000 IN FEDERAL FUNDS FOR THE LEAD HAZARD CONTROL PROGRAM AND \$600,000 FOR THE HEALTHY HOMES PROGRAM

- 2) Amend the Professional Services Agreement with "Housing Programs" as the Lead Consultant for the City's various housing rehabilitation programs, by increasing funding by \$354,900;
- 3) Amend the Professional Services Agreement with Barr & Clark, Inc. for Lead Inspector and Risk Assessor Services, by increasing funding by \$170,720 and by extending the term of the Agreement by two additional one-year terms; and
- 4) Authorize the City Manager or her designee to negotiate and execute all related documents to receive the grant funds and implement the funded activities; and to execute the amendments to the professional services agreements, subject to review by the City Attorney's Office.

Attachments: [Staff Report](#)

[Attachment 1 - Reso 2019-174](#)

6. Authorization to Submit an Application for, and Receipt of, State Planning Grant Program Funds

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

RESOLUTION NO. 2019-176 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SENATE BILL 2 GRANTS PROGRAM FUNDS

Attachments: [Staff Report](#)

[Attachment No. 1 - Resolution](#)

7. Amendment of the Fiscal Year 2019-20 Capital Improvement Program Budget by Appropriating \$1,400,000 of Available General Fund Balance to "Police - Main Facility Roof Replacement," Project No. 428-2590-XXXXX-73369 and Authorization to Increase the Various Contract Prices by a Total of \$1,400,000

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-178 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM BUDGET BY APPROPRIATING \$1,400,000 OF AVAILABLE GENERAL FUND RESERVES TO "POLICE - MAIN FACILITY ROOF REPLACEMENT," PROJECT NO. 428-2590-XXXXX-73369

- 2) Authorize the City Manager to execute needed amendments to the following contracts with Victorious R.E.D. (abatement), H2 Environmental (monitoring of abatement), and Letner Roofing (construction), respectively, by a total of \$1,400,000 for the roof and wall repairs, inspections/testing, fees, and other expenses necessary to complete the project.

Attachments: [Staff Report.doc](#)

[Resolution 2019-178](#)

DISCUSSION CALENDAR

8. Overview of the City's Grants Application Review and Administration Process

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

- 1) Discuss the City's grant application process and provide direction to staff regarding seeking and applying for future grant funding on the City's behalf.
- 2) Provide direction on community initiated grants and the process needed to incorporate these grants into the City process.

Attachments: [Staff Report - Grants Application Review and Administration Process](#)

9. Finding of Public Benefit to the Community at Large: Recommended Expenditure(s) and Recap of 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 for previously approved projects/activities.

Attachments: [FOPB Staff Report](#)
 [Attachments 1-7](#)

10.

Approve a Resolution Providing Notice of Intent to Award Non-Exclusive Towing Franchises for City-Initiated Tows to Four (4) Franchisees and Setting the Public Hearing to Introduce a Towing Franchise Ordinance

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

RESOLUTION NO. 2019-168 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA DECLARING ITS INTENT TO GRANT THREE YEAR NON-EXCLUSIVE TOWING FRANCHISES FOR CITY-INITIATED TOWS AND SETTING THE PUBLIC HEARING TO INTRODUCE A TOWING FRANCHISE ORDINANCE

Attachments: [Notice of Intent to Award Non-Exclusive Towing Franchises for](#)
 [Resolution of Intent 11-4-19.doc](#)

- 10A. Adoption of an Uncodified Urgency Ordinance No. 4275 Enacting Rules and Regulations to Temporarily Prohibit No-Fault Evictions through December 31, 2019, for Residential Real Property Built Prior to January 1, 2005

It is recommended that the City Council adopt an Uncodified Urgency Ordinance

URGENCY ORDINANCE NO. 4275 - AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA ENACTING RULES AND REGULATIONS TO TEMPORARILY PROHIBIT NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019, FOR RESIDENTIAL REAL PROPERTY BUILT PRIOR TO JANUARY 1, 2005

Attachments: [110419 CC report rent ordinance](#)
 [FINAL Pomona - Uncodified Urgency Ordinance Re Temporary Prohibition](#)

PUBLIC HEARINGS

11. Introduction and First Reading of an Ordinance Adopting the Cannabis Overlay Program in the City of Pomona.

It is recommended that the City Council open the public hearing and after receiving testimony and public comment, close the public hearing and introduce and waive further reading of the following ordinance:

ORDINANCE NO. 4273 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A COMMERCIAL CANNABIS PERMIT PROGRAM OVERLAY DISTRICT

Attachments: [Staff Report](#)
 [Attachment 1 - Draft Ordinance with Exhibits A-C](#)
 [Attachment 2 - Ordinance No. 4254 \(Cannabix Tax\)](#)
 [Attachment 3 - Ordinance No. 4257 \(Business Ordinance\)](#)
 [Attachment 4 - Proof of Publication of Public Hearing Notice](#)
 [Attachment 5 - Environmental Findings of Consistency](#)
 [Attachment 6 - Sensitive Use Buffer Map \(June 2018\)](#)
 [Attachment 7 - Questions from Community Meetings](#)
 [Attachment 8 - Determinations of Similarity \(DOS\)](#)
 [Attachment 9 - Director's Interpretation - Retailer Storefront PCSP](#)
 [Attachment 10 - Revised Sensitive Use Buffer](#)
 [Attachment 11 - Full Record of Public Comments Received](#)
 [Attachment 12 - Draft Minutes from 10-9-19 Planning Commission Meeting](#)
 [Attachment 13 - Staff Report and Attachments from 10-9-19 PC Hearing](#)

MATTERS INITIATED BY CITY COUNCILMEMBERS

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

ADJOURNMENT

The next Regular Meeting will be held on November 18, 2019 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 revised agenda for the November 4, 2019 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 October 31, 2019.

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

/s/ Rosalia A. Butler, MMC
City Clerk