

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Regular Meeting Agenda

Monday, November 18, 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 - ANTICIPATED LITIGATION

Two matters 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 World Mission Society Church of God and ASEZ for Beautifying and Cleaning Outdoor Spaces in Pomona during their November 10, 2019 Holt Avenue Clean-Up
- B. Certificate of Recognition to Pomona Veteran(s)
- C. Certificate of Recognition to Garey High School Girls' Volleyball for Winning the First CIFSS League Championship in School History
- D. Certificate of Recognition to Garey High School Marching Band

- E. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming December 1st, 2019 as "World AIDS Day 2019" in the City of Pomona

Attachments: [11.18 World Aids Day 2019 attachment](#)

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:

October 15, 2018 Meeting Minutes

July 15, 2019 Meeting Minutes

Attachments: [FINAL MINUTES 10-15-2018](#)
 [FINAL MINUTES 7-15-2019](#)

2. Approval of Right-of-Way Contracts for City Owned Properties Associated with the State Route 71 Widening Project

It is recommended that the City Council approve Right-of-Way 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: [111819 CC rpt 71 sale DOT final](#)
 [Attach 1-5 DOT](#)

3. Second Reading and Adoption of an Ordinance Approving a Commercial Cannabis Permit Program Overlay District in the City of Pomona

It is recommended that the City Council adopt the following ordinance which establishes a Commercial Cannabis Permit Program Overlay District, as amended at the November 4, 2019 City Council meeting (CODE 12664-2019):

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-B](#)
 [Attachment 2 - 11-4-19 City Council Staff Report and Attachments](#)

4. Appointment of Robert DeLoach as Interim Water Resources Director Pursuant to Government Code Section 21221(h)

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

RESOLUTION NO. 2019-182 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPOINTING ROBERT DELOACH AS THE INTERIM WATER RESOURCES DIRECTOR, PURSUANT TO GOVERNMENT CODE SECTION 21221(h)

Attachments: [Interim WR Director Staff Report](#)
 [Interim WR Director Att 1 Reso](#)
 [Interim WR Director Att 1 Exh A CJO](#)

5. Appropriation of \$120,000 from Available Measure M Funds to "Safety Improvements - At-Grade Crossings," Project No. 428-2590-XXXXX-68551 and Approve

with San Gabriel Valley Council of Governments (SGVCOG) for Additional Improvements and Award of Sole Source Open Purchase Orders to Ameron Pole Products, and McCain, Inc. for Traffic Signal Materials and Equipment

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

1) Adopt the following resolution:

RESOLUTION NO. 2019-180 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$120,000 OF AVAILABLE MEASURE M FUNDS TO "SAFETY IMPROVEMENTS - AT- GRADE CROSSINGS," PROJECT NO. 428-2590-XXXXX-68551

2) Approve an agreement with San Gabriel Valley Council of Governments (SGVCOG) for additional improvements;

3) Award of sole source open purchase orders to Ameron Pole Products, and McCain, Inc. for the purchase of traffic signal materials and equipment; and

4) Authorize the City Manager to execute the agreement on behalf of the City.

Attachments: [Staff Report](#)
 [Attachment 1 - Resolution](#)
 [Attachment 2 - Agreement](#)

6. Agreement with California Conservation Corps (CCC) for Vegetation/Brush Clearance in the Phillips Ranch Assessment District

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

Approve an agreement with the California Conservation Corps (CCC), Pomona Center, in the amount of \$28,800 to provide vegetation and brush clearing in the Phillips Ranch area; and

Authorize the City Manager to sign the Agreement in substantially the form submitted.

Attachments: [Staff Report](#)
 [Attachment 1 - CCC Agreement with Pomona](#)

DISCUSSION CALENDAR

7. 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 1-4](#)

8. Introduction and First Reading of an Ordinance Establishing a Youth Commission

It is recommended that the City Council introduce, waive further, and give first reading to the following ordinance:

ORDINANCE NO. 4274 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING A YOUTH COMMISSION AND ESTABLISHING ITS PURPOSE AND STRUCTURE AND AMENDING THE CITY CODE

Attachments: [Youth Commission Council Report.docx](#)
 [Attachment No 1. Ord4274 .docx](#)

9. 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; and
- 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](#)

10. Receive and file the Fiscal Year 2018-19 Unaudited Year-End Overview, Review the Fiscal Year 2019-20 General Fund 1st Quarter Budget Review, and Amend the Fiscal Year 2019-20 Operating Budget and Fiscal Year 2019-20 Capital Improvement Program Budget

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

- 1) Receive and file the Fiscal Year (FY) 2018-2019 Unaudited Year-End Overview
- 2) Review the FY 2019-20 General Fund 1st Quarter Budget Report; and

3) Adopt the following resolution:

RESOLUTION NO. 2019-179 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2019-20 OPERATING BUDGET AND AMENDING THE FY 2019-2020 CAPITAL IMPROVEMENT PROGRAM BUDGET BY APPROPRIATING \$253,928 OF AVAILABLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS TO THE "EMERGENCY SHELTER ANNEX/WATER UTILITY ACCESS," PROJECT NUMBER NO. 428-2590-XXXXX-71053

Attachments: [1st Quarter Report fy 19-20](#)
[Resolution for 1st quarter report](#)
[Exhibit A of Resolution 2019-179](#)

11. Authorize the City Manager to Commence Validation Proceedings Related to the Issuance of Pension Obligation Bonds and Confirm the Selection of Financing Team

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

- 1) Authorize the City Manager to commence Judicial Validation Proceedings related to the Sale of Pension Obligation Bonds; and
- 2) Confirm a selected financing team composed of Urban Futures, Inc., to serve as financial advisor to the City; Stradling, Yocca, Carlson & Rauth, to serve as Bond Disclosure Counsel to the City and to manage the validation proceedings; and RBC Capital Markets to serve as the lead underwriter for the Bonds.
- 3) Authorize the City Manager to execute sole source contracts to complete the intent of the Finance Team.

Attachments: [Pomona Validation Proceedings Staff Report November 2019 v5.docx](#)

PUBLIC HEARINGS

12. Introduction and First Reading of an Ordinance Awarding Non-Exclusive Towing Franchises for City-Initiated Tows to Three (3) Franchises and Adoption of a Resolution to Increase the Maximum Tow and Storage Charges for City-Initiated Tows

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

- 1) Open the public hearing and after receiving testimony and public comment, close the public hearing and introduce and waive first reading of the following ordinance:

ORDINANCE NO. 4272- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AWARDING NON-EXCLUSIVE TOWING

FRANCHISES FOR CITY-INITIATED TOWS TO SANDERS TOWING INC., S & J TOWING SERVICE, INC., AND CARPE CARMA, LLC, dba POMONA VALLEY TOWING, FOR A TERM OF THREE YEARS

2) Adopt the following resolution:

RESOLUTION NO. 2019-181 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE MAXIMUM ALLOWABLE TOW AND STORAGE RATE SCHEDULE FOR CITY-INITIATED TOWS

Attachments: [Staff Report-Towing Ordinance.docx](#)
[Attachment No. 1 Notice of Public Hearing.docx](#)
[Attachment No. 2 Resolution No. 2019-168.pdf](#)
[Attachment No. 3 Proposed Ordinance 4272.doc](#)
[Attachment No. 4 Resolution 2013-88.pdf](#)
[Attachment No. 5 Tow and Storage Rate Survey- Surrounding Cities.doc](#)
[Attachment No. 6 Resolution No. 2019-181.doc](#)

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 December 2, 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, City Clerk for the City of Pomona, hereby certify that the agenda for the November 13, 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 Wednesday, November 13, 2019.

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

/s/ Rosalia A. Butler, MMC
City Clerk