

City of Pomona

505 S. Garey Ave
Pomona, CA 91766



Regular Meeting Agenda

Monday, March 4, 2019

7:00 PM

Closed Session & Regular Meeting Agenda

Council Chambers

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

*Mayor Tim Sandoval
Vice-Mayor Rubio R. Gonzalez
Councilmember 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.

CLOSED SESSION

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 - EXISTING LITIGATION (Pursuant to Government Code Section 54956.9 (d)(1))

George Ricks v. City of Pomona; Federal Court Case No. 2:18-cv-07862-DDP- PLA

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

Employee Organizations:

Part Time Unrepresented Employees

Part Time General Employees Unit

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

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

Property:

Portions of:

APN 8318-001-900 at 2000 N. San Antonio Avenue

APN 8331-005-901 & 902 at 600 E. Philadelphia St.

APNs 8333-005-903, 904, 905, 906, 907 & 908 at
865 ½ E. Grand Avenue

APN 8327-014-029 at 1400 E. Mission Blvd.

APN 8708-025-902 at 25 ½ Canyon Rim Rd.

Negotiating Party:	Crown Castle
City's Negotiator:	Linda Lowry, City Manager
Under Negotiation:	Lease Price and Terms

7:00 P.M.

CALL TO ORDER

ROLL CALL

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

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:

April 2, 2018 Meeting Minutes
May 7, 2018 Meeting Minutes
May 14, 2018 Meeting Minutes

Attachments: [FINAL MINUTES 4-2-2018.pdf](#)
 [FINAL MINUTES 5-7-2018.pdf](#)
 [FINAL MINUTES 5-14-2018.pdf](#)

2. Amendment of the FY 2018-19 Capital Improvement Program (CIP) Budget to Create a New CIP Project, "Pomona Transit Bridge Improvements and Beautification; and Award Construction Contracts to MDJ Management in the Amount of \$1,235,295.34 and to the Gordian Group for \$73,500.07 for Construction Management Services

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-24 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AMENDING THE FY 2018-19 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO CREATE A NEW CIP PROJECT, "POMONA TRANSIT BRIDGE IMPROVEMENTS AND BEAUTIFICATION," PROJECT NO. 428-2590-XXXXX-67927, AND APPROPRIATING \$245,000 FROM PROP A FUNDS AND \$1,280,116 FROM SERIES AW BOND FUNDS (SALE PROCEEDS FROM THE MISSION PROMENADE);

- 2) Award a contract to MDJ Management in the amount of \$1,235,295.34 for construction of project; and
- 3) Award a contract to the Gordian Group in the amount of \$73,500.07 for Construction Management Services; and
- 4) Authorize the City Manager to execute all necessary documents including construction contracts, subsequent change orders, and professional services agreements, subject to approval as to form by the Acting City Attorney, as appropriate.

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

3. Approval of a New State of California Department of Transportation (Caltrans) Freeway Agreement for State Highway Route 71

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

RESOLUTION NO. 2019-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A NEW CALTRANS FREEWAY AGREEMENT FOR STATE HIGHWAY ROUTE 71

Attachments: [Staff Report.docx](#)
 [Attachment 1 - Agmt Reso.doc](#)
 [Attachment 2 - SR-71 Freeway Agreement.pdf](#)
 [Exhibit A to Attachment No 2 SR-71 Freeway Agreement.pdf](#)

4. Authorization of the Acceptance of an Additional \$400,000 in Measure H Capital Cost Funds and Amending the FY 2018-19 Capital Improvement Program (CIP) Budget

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

RESOLUTION NO. 2019-18 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$400,000 IN MEASURE H CAPITAL COST FUNDS AND AMENDING THE FY 2018-19 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$400,000 IN MEASURE H CAPITAL COST FUNDS TO "YEAR-ROUND EMERGENCY SHELTER," PROJECT NUMBER 428-2590-XXXXX-71044

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

5. Approval of an Exclusive Negotiation Agreement with JHC-Acquisitions LLC to Purchase Housing Authority Properties Generally Located on the 500 Block of Mission Blvd

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

RESOLUTION NO. 2019-17 - A RESOLUTION OF THE POMONA HOUSING AUTHORITY OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN EXCLUSIVE NEGOTIATION AGREEMENT WITH JHC-ACQUISITIONS LLC

Attachments: [Attachment 1 - Resolution](#)
 [Attachment 2 - Preliminary Conceptual Site Plan](#)
 [Jamboree ENA.docx](#)

6. Adoption of Ordinance to Create a Community Choice Aggregation (CCA)

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

ORDINANCE NO. 4256 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING A COMMUNITY CHOICE AGGREGATION PROGRAM PURSUANT TO THE PUBLIC UTILITIES CODE

Attachments: [Attachment No. 1 - CCA Ordinance](#)
 [Attachment No. 2 - Public Hearing and Award Agreement to CalChoice](#)
 [CR Adoption of Ordinance Creation of a Pomona CCA](#)

DISCUSSION CALENDAR

7. Finding of Public Benefit to the Community at Large for Recommended Expenditures and Recap of Expended Funds

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

- 1) Approve the expenditures recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for recommended items; and
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

Attachments: [Staff Report - FOPB](#)
 [Attachments 1-17](#)

8. Commercial Cannabis Regulation Ordinance

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

- 1) Introduce and give first reading of the following ordinance:

ORDINANCE NO. 4257 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE POMONA CITY CODE BY ADDING CHAPTER 68, "COMMERCIAL CANNABIS BUSINESSES"

- 2) Direct staff to draft zoning ordinance amendments to allow certain commercial cannabis businesses in specified zones to be heard by the Planning Commission and direct that the Commission conduct a public hearing and make recommendations regarding the amendments; and
- 3) Direct staff to present the Planning Commission's recommendations on amendments to the Zoning Code to address Commercial Cannabis Uses, in the form of an ordinance, to the City Council at a duly noticed public hearing, and also present for Council consideration of a resolution establishing the maximum number and types of commercial cannabis businesses to be allowed in specified zones.

Attachments: [03-04-19 Cannabis Staff Report.docx](#)
 [Attachment No. 1 - Proposed Ord. No. 4257.docx](#)
 [Attachment No. 2 - Redline - Cannabis Ordinance \(CC Version\) and](#)
 [Attachment No. 3 - Feb. 25, 2019 Staff Report.pdf](#)

PUBLIC HEARINGS

9. Consideration of Single Historic Landmark Designation (SHistoric 010610-2018) for the

Single Family Residential Property Located at 798 San Francisco Avenue

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

RESOLUTION NO. 2019-27 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A SINGLE HISTORIC LANDMARK DESIGNATION REQUEST (SHISTORIC 010610-2018) TO DESIGNATE SINGLE FAMILY RESIDENTIAL PROPERTY LOCATED AT 798 SAN FRANCISCO

Attachments: [Staff Report](#)

[Attachment No 1. -HPC Resolution no. 19-003](#)

[Attachment No 2 -HPC Staff Report](#)

[Attachment No. 3 - Site Aerial and Map](#)

[Attachment No. 4 - Historic Resource Inventory](#)

[Attachment No. 5 - Site Photographs](#)

[Attachment No. 6 - Additional documentation provided by applicant](#)

[Attachment No. 7 - CC Resolution No.. 2019-27](#)

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 March 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 agenda for the March 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 Wednesday, February 27, 2019.

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

/s/ Rosalia A. Butler, MMC
City Clerk