

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A STANDARD OFFER, AGREEMENT AND ESCROW INSTRUCTIONS FOR PURCHASE OF REAL PROPERTY LOCATED AT 1390 EAST MISSION BOULEVARD FOR \$861,300; AMENDING THE FY 2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CREATING A NEW CIP PUBLIC FACILITY PROJECT, “EMERGENCY SHELTER ANNEX/WATER UTILITY ACCESS,” PROJECT NO. 428-2590-xxxxx-71053 AND APPROPRIATE \$584,424 OF AVAILABLE NEIGHBORHOOD STABILIZATION PROGRAM (NSP1) FUNDS AND \$316,876 OF WATER RESOURCE DEPARTMENT FUND BALANCE

WHEREAS, on September 19, 2016, the City Council of the City of Pomona declared a shelter crisis pursuant to Government Code section 8695, *et seq.*, in response to the large number of homeless persons and families in the community, and the deficiency of shelters and facilities to serve the same; and

WHEREAS, the City of Pomona has previously purchased the parcel at 1400 East Mission Boulevard in contemplation of developing a Homeless Emergency Shelter on the site to address the conditions giving rise to the declaration of shelter crisis; and

WHEREAS, the City of Pomona’s acquisition of the property located at 1390 East Mission Boulevard (the “Property”), and sited immediately adjacent to and west of 1400 East Mission Avenue, would further the development of the Homeless Shelter and expand the capacity of the shelter and services available to homeless persons and families; and

WHEREAS, the Property is roughly 58,128 square feet, or 1.33 acres, and an appraisal has been completed valuing the Property at \$870,000, and the current owner and City staff have negotiated a proposed purchase price of \$861,300, with the total price of acquisition to include not more than \$40,000 in title costs, escrow fees, and other pre-acquisition expenses; and

WHEREAS, per 24CFR 570-201(c) and Neighborhood Stabilization Program (NSP1) Eligible Use E – “Redevelop demolished or vacant properties”, the acquisition of qualified property for development of a public facility is an eligible activity in the use of NSP1 funds; and

WHEREAS, per NSP1 guidelines, the acquisition price for eligible properties must be at least one percent (1%) below the current appraised value of the property and that term has been met with this acquisition; and

WHEREAS, the purchase of 1390 E. Mission will allow the Water Resource Department to acquire 18,700 square feet of land to add to their adjacent parcel to protect infrastructure and assure proper space is available for maintenance and future replacement of three critical 16-inch water transmission lines located to the east of 1390 E. Mission; and

WHEREAS, the Pomona City Charter requires that amendments to the adopted budget and Capital Improvement Program (CIP) be approved by resolution, with approval of the Pomona City Council; and

WHEREAS, the City Council of the City of Pomona desires to amend the FY 2017-18 CIP budget by creating a new CIP Public Facility project entitled “Emergency Shelter Annex/Water Utility Access” Project No. 428-2590-XXXXXX-71053 and appropriating \$584,424 of available Neighborhood Stabilization Program (NSP1) funds and \$316,876 of Water Resources Department Fund Balance; and

WHEREAS, City Council of the City of Pomona desires to amend the FY 2017-18 Operating Budget by appropriating \$316,876 to Account #571-2590-89987-71053(Transfer to CIP Fund); and

WHEREAS, the purchase of the Site is exempt from the California Environmental Quality Act CEQA, pursuant to pursuant to Public Resources Code Sections 21080(b)(4) (actions necessary to prevent or mitigate an emergency) and 21060.3 (definition of emergency under CEQA); CEQA Guidelines Sections 15269 (statutory exemption for emergency projects) 15359 (definition of emergency); 15303 (exemption for new construction of small facilities) 15304 (exemption for minor exemptions to land) Section 15061(b)(3) (no environmental impact), in that acquisition of the Property will aid in alleviating the unmet shelter needs identified in Pomona City Council Resolution 2016-138 as a state of emergency due to the lack of homeless shelters in the City of Pomona, the acquisition is necessary to protect and preserve the public health, safety, and welfare in response to such emergency condition; and the Homeless Shelter Annex project will consist of the new construction of small structures and minor alternations of land, and it can be seen with certainty that there is no possibility that acquisition of the Property will have a an significant effect on the environment; and

WHEREAS, the City Council finds and declares that acquisition of the Property will further the common benefit and best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. Based upon staff presentations and reports, public comment, and other matters presented to the City Council in connection with this item, that the foregoing recitals are true and correct, and therefore incorporated as substantive findings into this Resolution

SECTION 2. That the City Council finds acquisition of the Property and development of the Homeless Shelter Annex thereon is exempt from CEQA for the reasons expressed above pursuant to Public Resources Code Sections 21080(b)(4) and 21060.3, and CEQA Guidelines Sections 15269, 15359, 15303, 15304 and 15061(b)(3).

SECTION 3. That the City Council hereby approves a Standard Offer, Agreement and Escrow Instructions for Purchase of Real Estate (the “Agreement”) for the City to purchase the Property located at 1390 East Mission Boulevard for the sale price of \$861,300 and to pay closing costs for the acquisition at an amount not to exceed \$40,000.

SECTION 4. The City Council hereby amends the FY 2017-18 CIP Budget by creating CIP Public Facility Project “Emergency Shelter Annex” Project No. 428-2590-XXXXXX-71053 and appropriating \$524,424 from the City’s Neighborhood Stabilization Program Funds (Fund 124-1791-89987-71053) and appropriating \$316,876 from Water Resources Fund Balance (Account #571-2590-89987-71053) to the new CIP Public Facility Project No. 428-2590-XXXXXX-71053.

SECTION 5. The City Council hereby amends the FY 2017-18 Operating Budget by appropriating \$316,876 to Account #571-2590-89987-71053.

SECTION 6. That the City Manager is hereby authorized to execute the Agreement, in substantially the form attached hereto as Exhibit “A,” and any other documents required for acquisition of the Property.

SECTION 7. The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its approval. The City Clerk is authorized to execute certificates of acceptance for any property transferred to the City in the transfers described in this Resolution, the form of which is hereby approved by the City Council in the standard form provided by law.

APPROVED AND ADOPTED THIS 7th DAY OF August 2017.

ATTEST:

CITY OF POMONA:

Eva M. Buice, MMC, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA M. BUICE, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 7th day of AUGUST 2017 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Eva M. Buice, MMC, City Clerk