

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Regular Meeting Agenda

Monday, September 11, 2023

**5:30 p.m. in the Chuck Bader Conference Room (Closed Session) &
7:00 p.m. in the Council Chambers**

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

*Mayor Tim Sandoval
Vice-Mayor John Nolte
Councilmember Victor Preciado
Councilmember Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert 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.pomonaca.gov. 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.

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.

5:30 P.M.

In the Chuck Bader Conference Room

CLOSED SESSION

Held in the Chuck Bader 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 LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6)

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: James Makshanoff and René Anderson

7:00 P.M.

Council Chambers

CALL TO ORDER

CLOSED SESSION REPORT

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

*Proclamation Recognizing September 14, 2023 as "Support Latino Business Day" in the City of Pomona

Attachments: [9.11 Latino Business Day](#)

*Proclamation Declaring the Month of September 2023 as Childhood Cancer Awareness Month in the City of Pomona

Attachments: [9.11 Childhood Cancer \(2\)](#)

MAYOR/COUNCILMEMBER COMMUNICATIONS

Reports on conferences, seminars, and regional meetings attended by Mayor and City Council and announcements of upcoming events, and also items for future City Council consideration as requested by Mayor or Members of the City Council.

Additionally, this is the time for Mayor and City Council to disclose on the record any contributions per Charter Section 1403. This section states "Prior to casting a vote on any contract, permit, or other matter requiring City Council approval where the applicant seeking approval is a person or business entity controlled by that person that has contributed more than five hundred dollars (\$500) within the previous twelve (12) months to a Councilmember's City election campaign committee, the Mayor or Councilmember receiving such contribution(s) shall disclose on the public record the receipt of said contribution(s).

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 in 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:

August 21, 2023 Meeting Minutes

Attachments: [FINAL MINUTES 8-21-2023.pdf](#)

2. Award of Professional Consultant Services Agreements for “Pomona Library Facility Improvements,” Project No. 428-2590-XXXXX-74120

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

- 1) Award a Professional Consultant Services Agreement for “Pomona Library Facility Improvements,” Project No. 428-2590-XXXXX-74120 to ACC Environmental Consultants, Inc. to Hazardous Building Material/Abatement Professional Services (Design/Monitoring/Testing) in the amount of \$115,241;
- 2) Award a Professional Consultant Services Agreement for “Pomona Library Facility Improvements,” Project No. 428-2590-XXXXX-74120 to Design West Engineering for Mechanical Engineering Design to include the base bid and additive alternates in the total amount of \$268,574; and
- 3) Award a Professional Consultant Services Agreement for the “Pomona Library Facility Improvements,” Project No. 428-2590-XXXXX-74120 to PBK Architects, Inc. d.b.a. BEAM Professionals for Roofing/Structural Design in the amount of \$150,000.

Attachments: [Staff Report](#)

3. Adopt a Resolution Authorizing City of Pomona to Submit a Grant Application for the Community Resilience Center Program through the California Strategic Growth Council

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-150 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE COMMUNITY RESILIENCE CENTERS PROGRAM

- 2) Authorize the City Manager, or their designee, to execute all documents related with this action, with approval of the City Attorney, as to form.

Attachments: [Staff Report - CRC Program](#)
 [Attachment No. 1 - Resolution 2023-150](#)

4. Adopt a Resolution Amending the FY 2023-24 Operating Budget for the Outdoor & Active Youth Program and Accept Grant Funds from Pomona Unified School District

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-151 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2023-24 OPERATING BUDGET FOR THE OUTDOOR & ACTIVE YOUTH PROGRAM GRANT FUND BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS BY \$149,931 AND ACCEPTING FUNDS OF \$524,931 FROM POMONA UNIFIED SCHOOL DISTRICT IN GRANT FUNDING

- 2) Authorize the City Manager, or his designee, to execute an agreement and any subsequent amendments subject to review by the City Attorney.

Attachments: [Staff Report - Outdoor & Active Grant Funding](#)
[Attachment No. 1 - Resolution 2023-151](#)

5. Adopt a Resolution to Amend the FY 2022-23 Operating Budget to Increase Revenue Estimates and Appropriations for Continuum of Care Operation Porchlight Program by \$164,990

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

RESOLUTION NO. 2023-148 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE AMENDMENT OF THE FY 2022-23 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS BY \$164,990 FOR CONTINUUM OF CARE OPERATION PORCHLIGHT PROGRAM

Attachments: [Staff Report - Operation Porchlight COC Funds](#)
[Resolution No. 2023-148](#)

6. Resolution to Amend the FY 2023-24 Capital Improvement Program (CIP) Budget by Creating a New Unfunded Street Project, "Citywide-Centerline Monument Replacement"

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

RESOLUTION NO. 2023-153 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO AMEND THE FY 2023-24 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CREATING A NEW UNFUNDED STREET PROJECT, "CITYWIDE - CENTERLINE MONUMENT REPLACEMENT," PROJECT NO. 428-2590-XXXXX-67946

Attachments: [Staff Report](#)
 [Attachment No. 1 - Resolution](#)
 [Attachment No. 2 - CIP Project Details Sheet](#)

7. Resolution to Amend the Fiscal Year 2023-24 Operating Budget by Appropriating \$61,484 from Refuse Fund Reserves for Annual Los Angeles Regional Agency (LARA) Membership Fees

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-152 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2023-24 OPERATING BUDGET BY APPROPRIATING \$61,484 FROM AVAILABLE RESERVES WITHIN THE REFUSE FUND AND TRANSFERING AND APPROPRIATING THE SAME AMOUNT TO THE REFUSE ADMINISTRATION FUND FOR ANNUAL LOS ANGELES REGIONAL AGENCY (LARA) MEMBERSHIP FEES

- 2) Authorize the City Manager, or designee, to authorize the payment for the annual membership fees in the amount of \$61,484 to LARA on behalf of the City.

Attachments: [Staff Report](#)
 [Attachment No. 1 - Resolution 2023-152](#)

8. Authorize the Appropriation of Fiscal Year (FY) 2022 Law Enforcement Agency De-Escalation Grant

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-157 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROPRIATING FISCAL YEAR (FY) 2022 LAW ENFORCEMENT AGENCY DE-ESCALATION GRANT AND AMENDING THE FY 2023-24 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS BY \$181,260

- 2) Authorize the City Manager, or designee, to execute any and all agreements on behalf of the City, in substantially the form submitted, subject to review and approval as to form by the City Attorney.

Attachments: [Staff Report- COPS De-Escalation Grant](#)
 [Attachment No. 1 - Reso. 2023-157](#)
 [Attachment No. 2 - Award Agreement](#)

9. Adoption of a Resolution Approving the Closure of City Hall During the 2023 Holiday Season and Rescheduling 2024 City Council Meeting Dates Due to Holiday Conflicts

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

RESOLUTION NO. 2023-155 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE CLOSURE OF CITY HALL DURING THE 2023 HOLIDAY SEASON AND CANCELLATION/RESCHEDULING OF 2024 MEETING DATES DUE TO CONFLICTS WITH OBSERVED HOLIDAYS

Attachments: [Staff Report](#)
 [Resolution](#)

10. Termination of Purchase & Sale Agreement with Seventh Street Development, Inc.

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

RESOLUTION NO. 2023-154 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TERMINATING THE PURCHASE & SALE AGREEMENT BETWEEN THE CITY OF POMONA AND SEVENTH STREET DEVELOPMENT, INC.

Attachments: [091123 CC rpt Terminate vets PSA.docx](#)
 [091123 final reso to term vets-c1.doc](#)

11. Approving Funding of \$50,000 to the Pomona Chamber of Commerce in Accordance with the Defined Disbursement Schedule

It is recommended that the City Council approve funding for the Pomona Chamber of Commerce (the "Chamber") for Fiscal Year 2023-2024 in the amount of \$50,000 to be disbursed in four equal quarterly payments of \$12,500 at the beginning of each quarter.

Attachments: [091123 CC Rpt Chamber Funding.docx](#)
 [Attach 1 - Chamber budget 23-24.pdf](#)

DISCUSSION CALENDAR

12. Finding of Public Benefit to the Community at Large-Recommended Expenditure(s) and Recap of Expended 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.

Attachments: [FOPB Staff Report](#)
 [Attachment](#)

13. Introduction of an Ordinance Amending Chapter 58 of the Pomona City Code to Decrease Certain Speed Limits in the City Based on an Engineering and Traffic Survey

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

ORDINANCE NO. 4335 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING CHAPTER 58 ("TRAFFIC AND VEHICLES"), ARTICLE III ("VEHICLE OPERATION"), SECTION 58-122 ("SPEED LIMITS FOR SPECIFIC STREETS") OF THE POMONA CITY CODE BY UPDATING THE SPEED LIMITS ON DESIGNATED CITY STREETS FOR YEARS 2023 AND 2024

Attachments: [Staff Report](#)
 [Attachment No. 1 - Proposed Ordinance No. 4335 \(Redline Version\)](#)
 [Attachment No. 2 - 2023 E&TS Report](#)

14. Introduction of an Ordinance Amending the Pomona City Code Creating an Ethics Commission Pursuant to the Provisions of Article VIII, Section 807 of the Charter of the City of Pomona

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

ORDINANCE NO. 4337 - AN ORDINANCE OF THE CITY OF POMONA, CALIFORNIA, CREATING AN ETHICS COMMISSION PURSUANT TO SECTION 807 OF THE CITY CHARTER OF THE CITY OF POMONA

Attachments: [Staff Report-Ethics Comm. Intro.DOCX](#)
 [Attachment No. 1 - Approved Charter Amendment.pdf](#)
 [Attachment No. 2 - Proposed Ord. No. 4337.doc](#)

15. Receive and File the Police Oversight Commission Annual Report

It is recommended that the City Council receive and file the Police Oversight Commission Annual Report.

Attachments: [Staff Report-POC Annual Report.DOCX](#)
 [Attachment No. 1 - POC Annual Report.pdf](#)

16. Verification of Sufficiency of Signatures for Initiative Petition to Reduce Local Sales Tax Rate from 0.75% to 0.50% and to Extend the Term of the Tax by Repealing its March 31, 2029 Sunset

It is recommended that the City Council:

- 1) Receive, file and accept the Certificate of Sufficiency of Initiative Petition; and
- 2) Based upon the sufficiency of the petition, take one of the actions identified below:
 - a. Adopt the initiative measure, without alteration, at this meeting, or within 10 days after; or
 - b. Submit the initiative measure to the voters at the “next regular municipal election” occurring at least 88 days later; or
 - c. Submit the initiative measure to the voters at a special municipal election occurring on a Tuesday that is not on, before or after a State holiday, that is between 88 and 103 days after the City Council calls the election; or
 - d. Direct Staff to prepare an impartial and informational report analyzing the impact of the initiative measure on the City’s finances, ability to provide public services, land use and development regulations, and the like.

Attachments: [Staff Report - Receipt of Cert. of Sufficiency and Options - Initiative](#)
 [Attachment No. 1 - Certificate of Sufficiency.pdf](#)
 [Attachment No. 2 - Resolution Calling Primary Municipal Election on](#)
 [Attachment No. 3 - Resolution Requesting Consolidation of Primary](#)
 [Attachment No. 4 - Resolution Setting Argument-Rebuttal Rules and](#)

PUBLIC HEARINGS

17. Public Hearing to Receive Comments on the FY 2022-23 Consolidated Annual Performance and Evaluation Report (CAPER)

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

- 1) Conduct a public hearing to receive comments on the Fiscal Year (FY) 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Funds;
- 2) Upon conclusion of the public hearing, direct staff to incorporate comments received into the final FY 2022-2023 CAPER; and

- 3) Approve the FY 2022-2023 CAPER for submission to the U.S. Department of Housing and Urban Development (HUD).

Attachments: [Staff Report - FY 22-23 CAPER.docx](#)
 [Attachment No. 1 – Public Notice.pdf](#)
 [Attachment No. 2 – FY 2022-2023 Draft CAPER.pdf](#)

ADJOURNMENT

The next Regular Meeting will be held on September 18, 2023 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 September 11, 2023 meeting of the City Council was posted in City Hall, near the door of the City Council Chambers and the Chuck Bader Conference Room, and on the City's website www.pomonaca.gov on September 5, 2023.

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

*/s/ Rosalia A. Butler, MMC
City Clerk*