

# City of Pomona

505 S. Garey Ave.  
Pomona, CA 91766



## Regular Meeting Agenda

Monday, October 7, 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](http://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 possible litigation to be initiated will be discussed (Pursuant to Government Code Section 54956.9 (d)(4))*

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

### **B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)**

Property: Southwest Corner of Mission Blvd. & Park Avenue  
APNs 8341-010-914, 915, 916, 917, 918, 919, 920 and 921  
Negotiating Party: Jamboree Housing Corporation  
City's Negotiator: Linda Lowry, City Manager  
Under Negotiation: Price and Terms

## **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. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming October 2019 as “Dyslexia Awareness Month” in the City of Pomona
- B. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming October 23-31, 2019 as “Red Ribbon Week” in the City of Pomona

Attachments:     [Red Ribbon Week Proclamation](#)

- C. Certificate of Recognition to Pomona Veteran(s)
- D. Certificate of Recognition to the Museum of Tolerance in Appreciation of Grants Awarded to Pomona Students to Attend the “Tools for Tolerance” Workshop
- E. Presentation by City Attorney on Impact Development Fees

## **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 12, 2018 Meeting Minutes  
July 29, 2019 Meeting Minutes  
September 9, 2019 Meeting Minutes

Attachments:     [FINAL MINUTES 12-12-2018](#)  
                              [FINAL MINUTES 7-29-2019](#)  
                              [FINAL MINUTES 9-9-2019](#)

2. Review and Recommend Voting Positions of Resolutions for the 2019 League of California Cities Annual Conference

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

- 1) Approve the voting positions recommended on the proposed resolutions; and
- 2) Instruct the voting delegate to cast votes on resolutions being considered at the 2019 League of California Cities Annual Conference accordingly.

Attachments:     [Staff Report](#)  
                              [2019 League Resolutions](#)

3. Establishment of Process Integrity Standards Applicable to Commercial Cannabis Permit Applicants and their Representatives or Lobbyists Working on their Behalf

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

**RESOLUTION NO. 2019-159 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, ESTABLISHING PROCESS INTEGRITY STANDARDS APPLICABLE TO COMMERCIAL CANNABIS PERMIT APPLICANTS AND THEIR REPRESENTATIVES LOBBYING OR WORKING ON THEIR BEHALF IN ACCORDANCE WITH SECTION 68-42 OF THE COMMERCIAL CANNABIS BUSINESSES CHAPTER OF THE POMONA CITY CODE**

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

4. 2013-2021 Housing Element Annual Progress Report for the 2018 Reporting Period (Misc-012689-2019)

It is recommended that the City Council review the 2018 Annual Progress Report (APR) for the 2013-2021 Housing Element and direct staff to submit the report to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

Attachments:     [Staff Report](#)  
                              [Attachment No. 1](#)

5. Award of Contract to USI Insurance Services to USI Insurance Services to Provide Employee Benefits Insurance Brokerage Services

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

1) Approve the award of a three-year contract with two (2), one-year extension options to USI Insurance Services to provide employee benefits insurance brokerage services, at an annual cost of \$35,000 with optional medical insurance procurement services for an additional amount of up to \$15,000;

2) Authorize the City Manager to execute a contract with USI Insurance Services for employee benefit insurance brokerage services, and subsequent extensions to the contract, subject to review by the City Attorney; and

3) Authorize the City Manager to execute agreements with insurance and benefit providers for benefits obtained through USI Insurance Services and approve payment of premiums in accordance with the approved budget appropriations.

Attachments:     [Benefits Broker Staff Report](#)

6. Approval of Memorandum of Understanding between the City of Pomona and the Pomona Part-Time General Unit Teamsters Local 1932 and Citywide Salary Schedule

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

**RESOLUTION NO. 2019-138 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A TWO (2) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA PART-TIME GENERAL UNIT TEAMSTERS LOCAL 1932 FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2021**

**RESOLUTION NO. 2019-142 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CITYWIDE SALARY SCHEDULE FOR FISCAL YEAR 2019-2020 TO REFLECT GENERAL SALARY**

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**INCREASES AND CHANGES TO CERTAIN POSITIONS PREVIOUSLY APPROVED BY  
THE CITY COUNCIL**

**Attachments:**    [PTG Teamsters MOU Staff Report](#)  
[PTG Teamsters MOU Att 1 Reso MOU](#)  
[PTG Teamsters Att 1 Exh A P MOU 2019-21](#)  
[PTG Teamsters MOU Att 2 Reso Salary Schedule](#)  
[PTG Teamsters Att 2 Exh A Salary Schedule 10-01-19](#)

7. Amendment of the FY 2018-2019 City's Operating Budget by Appropriating \$72,000 to Pay an Outstanding June 2019 Invoice for the Pomona Operation Porchlight Grant Program

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

**RESOLUTION NO. 2019-161 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF POMONA, CALIFORNIA, AMENDING THE FY 2018-2019 CITY'S OPERATING  
BUDGET BY APPROPRIATING \$72,000 TO PAY AN OUTSTANDING JUNE 2019  
INVOICE FOR THE POMONA OPERATION PORCHLIGHT GRANT PROGRAM**

**Attachments:**    [Staff Report FY 18-19 Porchlight Appropriation.docx](#)  
[Attachment No. 1 – Resolution No. 2019-161.doc](#)

8. Amend the 2019-20 Capital Improvement Program (CIP) Budget by Appropriating \$462,000 from the Refuse Fund Balance to the City Lot Remediation Project and Approve an Amendment to the Agreement with EnSafe in the Amount of \$462,000 for the Continuation of the Onsite Soil Vapor Extraction Cleanup

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2019-110 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF POMONA, AMENDING THE 2019-20 CAPITAL IMPROVEMENT PROGRAM  
BUDGET BY APPROPRIATING \$462,000 OF REFUSE FUND BALANCE TO THE  
"CITY LOT REMEDIATION," PROJECT NO. 418-2590-XXXXX-71021**

2) Approve an amendment to the agreement with EnSafe in the amount of \$462,000 for the continuation of the onsite soil vapor extraction cleanup, groundwater analysis and indoor air remediation; and

3) Authorize the City Manager to execute any agreements necessary to complete the EnSafe amendment, contingent upon City Attorney review.

**Attachments:**     [Staff Report - Amend EnSafe Contract](#)  
                              [Attachment 1 - Resolution No. 2019-110.docx](#)  
                              [Attachment 2 - EnSafe FY 19-20 Budget.pdf](#)

9. Amendment of the 2019-20 Capital Improvement Program Budget and the “Annual Water Main Replacements”, Project No. 595-8125-XXXXX-95022 and the Street Preservation - Local Citywide (FY 18-19)” Project No. 428-2590-XXXXX-68560 and Approve a Construction Contract Change Order with Gentry Brothers Inc. in the Amount of \$236,490 for a Pipeline Replacement and Various Pavement Repairs

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

- 1) Determine that approval of the pipeline and paving project within Mission Boulevard and Meserve Street is exempt from environmental review pursuant to Section 15301 and 15282 of the state’s guidelines implementing the California Environmental Quality Act;
- 2) Adopt the following resolution:

**RESOLUTION 2019-160 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AMENDING THE 2019-20 CIP BUDGET BY RE-APPROPRIATING \$132,800 OF WATER FUNDS FROM THE “ANNUAL WATER MAIN REPLACEMENTS”, PROJECT NO. 595-8125-XXXXX-95022 AND APPROPRIATING AN ADDITIONAL \$103,690 OF AVAILABLE WATER FUNDS FOR A TOTAL OF \$236,490 TO THE “STREET PRESERVATION LOCAL - CITYWIDE (FY 18-19)”, PROJECT NO. 428-2590-XXXXX-68560; and**

- 3) Approve the issuance of a construction change order increasing the Gentry Brothers, Inc. construction contract by \$236,490, plus a 15 percent contingency change order capacity on that amount, for the water utility pipeline replacement and pavement repair, bringing the contract total, less any contingency, to \$4,356,834.

**Attachments:**     [Staff Report - Adopt Resolution for Gentry Bros Inc. Paving](#)  
                              [Attachment 1 - Resolution No. 2019-160](#)  
                              [Attachment 2 - Change Order.docx](#)  
                              [Attachment 3 - Paving Locations.pdf](#)

## **DISCUSSION CALENDAR**

10. 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 action(s):

- 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; and
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

Attachments:    [Staff Reports](#)  
                          [Attachments 1-7](#)

11. Introduction and First Reading of an Ordinance, Pertaining to Sidewalk Vending and Adoption of a Resolution, Establishing Rules and Regulations for Sidewalk Vending in Accordance with the Draft Ordinance and Senate Bill 946

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

- 1) Introduce and waive further reading of the following ordinance:

**ORDINANCE NO. 4270 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING ARTICLE X OF CHAPTER 30 OF THE POMONA CITY CODE TO CREATE A SIDEWALK VENDING PROGRAM, AND AMENDING SECION 38-73 RELATING TO VENDING IN PARKS AND FINDING THE SAME EXEMPT FROM CEQA**

- 2) Adopt the following resolution:

**RESOLUTION NO. 2019-162 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING REGULATIONS FOR SIDEWALK VENDING AND FINDING THE SAME EXEMPT FROM CEQA**

Attachments:    [Staff Report](#)  
                          [Sidewalk Vending Ordinance](#)  
                          [Pomona Sidewalk Vending Rules and Regulations Reso](#)

12. Adoption of a Resolution Opting for the City of Pomona to be Included in a Prospective 2020 Revenue Measure to Fund Critical Fire Protection and Emergency Services should the Consolidated Fire Protection District of Los Angeles County and the Los Angeles County Board of Supervisors Decide to Pursue Such a Measure

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

- 1) Adopt the following resolution:

**RESOLUTON NO. 2019-163 - A RESOLUTON OF THE CITY COUNCIL OF THE**

**CITY OF POMONA, CALIFORNIA, OPTING FOR THE CITY OF POMONA TO BE INCLUDED IN A PROSPECTIVE 2020 REVENUE MEASURE TO FUND CRITICAL FIRE PROTECTION AND EMERGENCY SERVICES SHOULD THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY AND THE LOS ANGELES COUNTY BOARD OF SUPERVISORS DECIDE TO PURSUE SUCH A MEASURE.**

2) Authorize the City Manager to issue a written notice and executed copy of the proposed resolution to the Fire District indicating that the City of Pomona has determined to allow voters to decide on this important funding measure and therefore authorizes the Fire District to include the City of Pomona within a 2020 ballot measure to provide critical funding for fire protection and emergency medical services.

**Attachments:**     [Fire Revenue Staff Report](#)  
                              [Attachment 1 - Resolution](#)  
                              [Attachment 2 - Incident Growth in Fee for Service Cities](#)  
                              [Attachment 3 - Fee City Revenue Estimates 9-23-2019](#)

## **PUBLIC HEARINGS**

- 13.**     Consideration of a Resolution Approving Conduit Financing for HealthRIGHT 360 Project under Requirement of the Tax and Equity Fiscal Responsibility Act (TEFRA)

It is recommended that the City Council conduct a public hearing under the requirements of the Tax and Equity Responsibility Act (TEFRA) and the Internal Revenue Code of 1986 to receive testimony and comments and, upon concluding the hearing, adopt the following resolution:

**RESOLUTION NO. 2019-157 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$65,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF FACILITIES FOR HEALTHRIGHT 360 AND CERTAIN OTHER MATTERS RELATING HERETO**

**Attachments:**     [staff report Healthright 360](#)  
                              [Reso HealthRight](#)  
                              [Attachment 2 Healthrights](#)

- 14.**     Approval of a Purchase and Sale Agreement Between The City of Pomona and Seventh Street Development, Inc. for the Conveyance of Certain Real Property Commonly Known as Veteran's Park (Assessor Parcel No's. 8707-019-903, 906 & 909), pursuant to Government Code Section 37420 et seq

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

**RESOLUTION NO. 2019-158 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF POMONA AND SEVENTH STREET DEVELOPMENT, INC. FOR CONVEYANCE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS VETERAN'S PARK (ASSESSORS PARCEL NO. 8707-019-903, 906, & 909) TO SEVENTH STREET DEVELOPMENT, INC. PURSUANT TO GOVERNMENT CODE SECTION 37420 ET SEQ**

**Attachments:**     [100719 CC Report revised re Veterans\\_ Park Sale PSA-c1](#)  
[100719 CC Reso No. 2019-158 re sale of Vet s park-c1](#)  
[Exhibit A to Reso for vet's park](#)  
[Vets park attach 2](#)

## **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 Monday, October 21, 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 October 7, 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](http://www.ci.pomona.ca.us) on Tuesday, October 1, 2019.*

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

/s/ Rosalia A. Butler, MMC  
City Clerk