

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Regular Meeting Agenda

Monday, February 3, 2020

7:00 PM

**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
Vice-Mayor Victor Preciado
Councilmember Rubio R. Gonzalez
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 - PENDING LITIGATION

(Pursuant to Government Code Section 54956.9 (d)(1))

Inland Valley Humane Society v. City of Pomona
L.A. County Superior Court; Case No. BC599074

Sayari v. City of Pomona
L.A. County Superior Court; Case No. BS170504

B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(Pursuant to Government Code Section 54956.9 (d)(2))

Eight (8) matters regarding exposure to litigation will be discussed

C) 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 Linda Matthews

D) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property: N/E Corner of Center and Main Streets (VPD Lot 1);

APN 8336-022-901

Negotiating Party: TTF Properties, LLC

City's Negotiator: James Makshanoff, 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

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.

PRESENTATIONS

- A. Certificate of Recognition to Pomona Veteran
- B. Certificate of Recognition for Compassionate Pomona Giving Projects
- C. Proclamation proclaiming February 2020 as “Love and Listen” Month in the City of Pomona

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. Approve an Agreement with Cartegraph in the Amount of \$111,975 for a Software Upgrade to the City’s Laboratory Information Management System (LIMS)

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

- 1) Approve the agreement with Cartegraph for a software upgrade to the City’s Laboratory Information Management System (LIMS); and
- 2) Authorize the City Manager, or designee, to sign the agreement.

Attachments: [Attachment 1 -Agreement FINAL 12-31-2019.pdf](#)
 [Staff Report - Agreement with Cartegraph to upgrade software.docx](#)

- 2. Authorization to Allow an Application for Historic Landmark Status for the Pomona Civic Center Buildings

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

RESOLUTION NO. 2020-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE FILING OF A HISTORIC LANDMARK APPLICATION FOR LANDMARK STATUS FOR THE POMONA CIVIC CENTER BUILDINGS TO BE CONSIDERED BY THE HISTORIC PRESERVATION COMMISSION AS REQUIRED BY THE CITY OF POMONA ZONING ORDINANCE SECTION .5809-13(E)

Attachments: [Staff Report](#)
 [Attachment 1 - Resolution No. 2020-15](#)

- 3. Approval of Increased Change Order Capacity for the “Americans with Disabilities Act (ADA) Compliance Program - Curb Ramps, Sidewalks, and Public Facilities/Structures - Citywide, [Phase III: ADA Transition Plan]” Project No. 428-2590-XXXXX-81055

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

1) Approve increased change order capacity for the contract between the City of Pomona and FS Contractors, Inc. for "ADA Compliance Program - Curb Ramps, Sidewalks, and Public Facilities/Structures - Citywide [Phase III: ADA Transition Plan]", Project No. 428-2590-XXXXX-81055 from \$120,861 (15%) to \$182,098 (22.6%) for minor additional work required for close-out of the project, which exceeds the \$100,000 allowed by City Code Section 2-1001(b)(14) and is commensurate with the size and scope of this project; and,

2) Authorize the City Manager to execute the change order on behalf of the City.

Attachments: [Staff Report](#)

4. Adoption of a Bring Your Own Device Policy and Approval of a Stipend for City Employees Authorized to Use their Own Electronic Devices under the New Policy

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

1) Adopt the proposed Bring Your Own Device (BYOD) Policy in substantially the form submitted; and

2) Authorize the City Manager, or his designee, to implement the policy and any subsequent revisions.

Attachments: [BYOD Staff Report_2/3/2020](#)
 [draft BYOD Policy 2-3-20](#)

5. Second Reading and Adoption of an Ordinance Amending Section 62-299 of the Pomona City Code Pertaining to the Requirements and Procedures for Water Service Billing, Delinquency, and Disconnection for Nonpayment

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

ORDINANCE NO. 4280 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTION 62-299 OF THE POMONA CITY CODE PERTAINING TO WATER SERVICE BILLING, DELINQUENCY, AND DISCONNECTION FOR NONPAYMENT

Attachments: [Staff Report - SB 998 Second Reading.docx](#)
 [Attachment No.1 - Proposed Ordinance No. 4280, Amending PMC 62-299](#)
 [Attachment No. 2 - Staff Report No. 7 dated January 27, 2020.pdf](#)

DISCUSSION CALENDAR

6. 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: [Attachments 1-4](#)
 [FOPB Staff Report](#)

PUBLIC HEARINGS

7. Public Hearing Amending the Consolidated Plan, the Fiscal Year (FY) 2019-2020 Annual Action Plan and the FY 2019-2020 City Operating Budget by Re-Appropriating Budgeted Funds and Appropriating Additional Community Development Block Grant (CDBG) Funds, HOME Investment Partnerships Program (HOME) Funds and Emergency Solutions Grant (ESG) Funds

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

- 1) Conduct a public hearing to receive public comment on the proposed amendments to the Consolidated Plan and the Fiscal Year 2019-2020 Annual Action Plan; and
- 2) Adopt the following resolution:

RESOLUTION NO. 2020-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CONSOLIDATED PLAN, THE FISCAL YEAR (FY) 2019-2020 ANNUAL ACTION PLAN AND THE FY 2019-2020 CITY OPERATING BUDGET BY RE-APPROPRIATING BUDGETED FUNDS AND APPROPRIATING ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS

Attachments: [Staff Report](#)
 [Attachment 1 - Resolution No. 2020-](#)
 [Attachment 2 - CDBG Funding Available to Appropriate](#)

8. Public Hearing on the Adoption of a Resolutions of the City Council and Housing Authority Board Approving the Sale of Pomona Housing Authority Properties Located at 592 West Mission Boulevard (APN's 8341-010-914, 915, 916, 917, 918, 919, 920 & 921) and of an Affordable Housing Disposition & Development Agreement with JHC-ACQUISITIONS LLC, for Development of a 57 Unit Affordable Housing Project

It is recommended that the City Council and the Pomona Housing Authority take the following actions:

1) Adopt the following resolution:

RESOLUTION NO. 2020-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE POMONA HOUSING AUTHORITY AND JHC-ACQUISITIONS, LLC, A LIMITED LIABILITY COMPANY AND MAKING CERTAIN FINDINGS PURSUANT TO HEALTH & SAFETY CODE SECTION 33433

RESOLUTION NO. 2020-16 - A RESOLUTION OF THE BOARD OF THE POMONA HOUSING AUTHORITY OF THE CITY OF POMONA, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE POMONA HOUSING AUTHORITY AND JHC-ACQUISITIONS, LLC, A LIMITED LIABILITY COMPANY AND MAKING CERTAIN FINDINGS PURSUANT TO HEALTH & SAFETY CODE SECTION 33433

2) Authorize the City Manager to execute the Affordable Housing Disposition & Development Agreement and all necessary associated documents, in substantially the form submitted herein.

Attachments: [020320 CC Report JHC DDA Pub Hearing \(EJW edits\)-c1](#)
[020320 Pomona HA Resolution re Jamboree DDA-c1](#)
[020320 Pomona CC Resolution re Jamboree DDA-c1](#)
[Pomona Affordable Housing DDA \(Jamboree Housing\)-c1](#)
[FINAL Mission 33433 Report - 01.16.20](#)
[attch 5 site](#)

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 February 24, 2020 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

CERTIFICATION OF POSTING AGENDA

*I, Rosalia A. Butler, MMC, City Clerk for the City of Pomona, hereby certify that the agenda for the February 3, 2020 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 January 29, 2020.
I declare under the penalty of perjury that the foregoing is true and correct.*

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