



## NOTICE OF THE CITY COUNCIL OF THE CITY OF POMONA

*On March 16 , 2020, the City Council declared a local emergency in response to the global COVID-19 outbreak. Preserving the health and safety of our employees and the public is our top priority.*

In accordance with California Governor's Executive Order N-25-20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note the following:

On August 3, 2020, the City Council meeting will occur via teleconference. **There will be no in-person public meeting location.**

### To watch the meeting:

- Visit the City's website and click on "Pomona Internet Streaming Channel"
- Spectrum or FIOS customers can watch on TV-Channel 29
- Visit the City's website the day after the meeting and click on our video archive

### To participate:

Comments for Public Participation or for a specific item on the agenda will be accepted by **email only**. Comments will be read into the record by the City Clerk. The deadline to submit your comments is **Monday, August 3, 2020 by 6 p.m.**

- Please email your comments to [cityclerk@ci.pomona.ca.us](mailto:cityclerk@ci.pomona.ca.us)
- Comments must be limited to 200 words
- Please title your email "Public Comment 08-03-2020" and indicate if you are commenting on a specific agenda item

# City of Pomona

505 S. Garey Ave.  
Pomona, CA 91766



## Regular Meeting Agenda

**Monday, August 3, 2020**

**7:00 PM**

**5:30 p.m. Closed Session Meeting & 7:00 p.m. Open Session Meeting  
via Teleconference – “Zoom”**

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

*Mayor Tim Sandoval  
Vice-Mayor Nora Garcia  
Councilmember Rubio R. Gonzalez  
Councilmember Victor Preciado  
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

*Please note that due to the COVID-19 pandemic and in accordance with California Governor's Executive Order N-25-20 regarding the Brown Act, the agenda has been modified to accommodate the needs of a Council meeting that is teleconferenced.*

*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.

*Via Teleconference*

### **CLOSED SESSION**

*Via Teleconference*

### **CALL TO ORDER**

### **PUBLIC COMMENT**

*Public Participation - In response to the global COVID-19 pandemic and in accordance with California Governor's Executive Order N-25-20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note that comments for Public Participation or for a specific item on the agenda will be accepted by email only at this time. Comments will be read into the record by the City Clerk. The deadline to submit your comments is by 6:00 p.m. on the day of the scheduled Council meeting. Please email your comments to [cityclerk@ci.pomona.ca.us](mailto:cityclerk@ci.pomona.ca.us) and title your email "Public Comment" along with the date of the Council meeting and indicate if you are commenting on a specific agenda item. All comments must be limited to 200 words.*

### **CLOSED SESSION AGENDA ITEMS**

#### **A) CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**

(Pursuant to Government Code Section 54956.9)

*State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a Verizon Wireless, et al.*

Sacramento Superior Court Case No. 34-2012-00127517

#### **B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

*Cho v. City of Pomona, et al.*

Los Angeles Superior Court Case No. 20PSCV00410

#### **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

**7:00 P.M.**

*Via Teleconference*

**CALL TO ORDER**

**CLOSED SESSION REPORT**

**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 - In response to the global COVID-19 pandemic and in accordance with California Governor's Executive Order N-25-20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note that comments for Public Participation or for a specific item on the agenda will be accepted by email only at this time. Comments will be read into the record by the City Clerk. The deadline to submit your comments is by 6:00 p.m. on the day of the scheduled Council meeting. Please email your comments to [cityclerk@ci.pomona.ca.us](mailto:cityclerk@ci.pomona.ca.us) and title your email "Public Comment" along with the date of the Council meeting and indicate if you are commenting on a specific agenda item. All comments must be limited to 200 words.*

**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:

July 6, 2020 Meeting Minutes  
July 20, 2020 Meeting Minutes

Attachments:     [FINAL MINUTES 07-06-2020](#)  
                             [FINAL MINUTES 07-20-2020](#)

2. Acceptance of the 2018 State Homeland Security Grant Program (SHSGP) Sub-Recipient Award in the Amount of \$70,199 and Amending the FY 2020-21 Operating Budget

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2020-118 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE 2018 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) SUB-RECIPIENT AWARD IN THE AMOUNT OF \$70,199 AND AMENDING THE FY 2020-21 OPERATING BUDGET BY RECEIVING AND APPROPRIATING \$1,000 IN SHSGP GRANT FUNDS**

- 2) Enter into a Sub-Recipient Agreement with Los Angeles County for the acceptance of \$70,199 in 2018 State Homeland Security Grant Program (SHSGP) funds, agreeing to the terms and conditions of the Sub-Recipient Agreement; and
- 3) 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:     [2018 SHSGP Council Report- 7.20.20.docx](#)  
                             [2018 SHSGP RESO 8.3.20.doc](#)  
                             [2018 SHSGP Attachment #2.pdf](#)

3. Approve a Procurement with Digital Networks Group (DNG) for Downtown Pomona Transit Station Surveillance in the Amount Not-to Exceed \$187,600

It is recommended that the City Council approve a procurement with Digital Networks Group (DNG) for a new surveillance camera system in an amount not-to-exceed \$187,600 for "Pomona Transit Bridge Improvements and Beautification," Project No. 428-5290-XXXXX-67927.

Attachments:     [Staff Report](#)

4. Authorize the Submittal of an Application to the California Department of Transportation (Caltrans) for Highway Safety Improvement Program (HSIP) Funds

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

- 1) Authorize the submittal of an application to the California Department of Transportation (Caltrans) for Highway Safety Improvement Program (HSIP) funds; and
- 2) Authorize the City Manager to execute the application and any related documents required for submittal.

Attachments:     [Staff Report](#)

5. Award of a Five Year Professional Services Agreement for Environmental Consulting Services for the National Pollutant Discharge Elimination System (NPDES) Program to CASC Engineering and Consulting, Inc.

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

- 1) Award of a one-year Professional Services Agreement (PSA), with the option for four additional one-year terms for Environmental Consulting Services for the National Pollutant Discharge Elimination System (NPDES) program to CASC Engineering and Consulting, Inc. (CASC Engineering); and
- 2) Authorize the City Manager to execute a one-year PSA to CASC Engineering to provider NPDES Consulting Services in the amount not to exceed \$125,000 for the first year, and adjusted as needed through the budget process for future years.

Attachments:     [Staff Report - Award NPDES Consultant.docx](#)  
                             [Attach 1 - PSA to CASC for NPDES-c1 \(signed by BBK\).docx](#)

6. Receive and Appropriate Funds; and Execute Agreement with the Los Angeles County Flood Control District's Safe Clean Water Program-Municipal Program Transfer Agreement per the Terms and Conditions

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2020-115 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-2021 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING \$1,890,000 FROM LOS ANGELES COUNTY FLOOD CONTROL DISTRICT'S SAFE CLEAN WATER-MUNICIPAL PROGRAM TO THE SAFE CLEAN WATER PROGRAM FUND**

- 2) Authorize the City Manager to execute the agreement with the Los Angeles County Flood Control District (District) for the Safe Clean Water (SCW) program - Municipal Program.; and



- 3) Accept the receipt of funds for FY 2020-21 in the approximate amount of \$1,890,000 from the SCW Program, and transfer funds received to the SCW Program Fund (142-8130-40904-00000).

**Attachments:**     [Staff Report - Agreement for Transfer Agmt.docx](#)  
                              [Attach No. 1 - Resolution 2020-115.docx](#)  
                              [Attach No. 2 Transfer Agreement.pdf](#)  
                              [Attach No. 3 - 2019-08-12-SCW-Local-Return-Estimate.pdf](#)

7. Amendment of the FY 2020-21 Capital Improvement Program Budget by Appropriating \$74,669 of Available Series "BE/BF" Water Bond Proceeds to the "Street Preservation - Local - Citywide (FY 19-20)" Project No. 428-2590-XXXXX-68561; and Approve Additional Change Order Authority

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

- 1) Adopt the following resolution:

**RESOLUTION 2020-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-21 CIP BUDGET, BY APPROPRIATING \$74,669 OF AVAILABLE SERIES "BE/BF" WATER BOND PROCEEDS TO THE "STREET PRESERVATION - LOCAL - CITYWIDE (FY 19-20)", PROJECT NO. 428-2590-XXXXX-68561**

- 2) Approve an additional \$74,669, 4% change order authority for the Gentry Brothers, Inc. (Gentry) construction contract, bringing the total contingency authority up to \$280,010, which is approximately 15% of the awarded contract. (This new contingency amount is requested for change orders related to the water bond funding being appropriated and is only available to be used for the water related change order items.); and
- 3) Authorize the City Manager to execute the necessary agreement amendments, as needed.

**Attachments:**     [Staff Report - Adopt Resolution for Gentry Bros Inc. Paving](#)  
                              [Attachment 1 - Resolution No. 2020-117.docx](#)

8. Approve California Choice Energy Authority Entering into a Long-term Renewable Energy Contract with Sierra Pacific Industries on behalf of Pomona Choice Energy

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

- 1) Approve California Choice Energy Authority ("CalChoice") entering into a long-term Renewable Energy Contract with Sierra Pacific Industries ("SPI") on behalf of the City's Pomona Choice Energy; and



- 2) Authorize the City Manager to execute the attached Agreement (Attachment No. 1) pending City Attorney approval.

Attachments:     [Staff Report - PCE Enter In Long Term Renewable Energy Contract.docx](#)  
                             [Attachment 1 - CCEA Pomona-SPI\\_PCC3\\_10yr.pdf](#)

9. Approval of First Amendment to Sole Source Agreement with Better 4 You Meals for an Amount Not To Exceed \$248,306 to Provide Home-Delivered Meals During COVID-19 Pandemic in FY 2020-21

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

- 1) Approve the First Amendment to the sole source agreement with Better 4 You Meals to increase the not-to-exceed amount to \$248,306 in order to provide home-delivered meals in FY 2020-21; and
- 2) Authorize the City Manager or his designee to execute the amendment and any amendments hereto, following approval by the City Attorney.

Attachments:     [Staff Report - Better 4 You Meals Contract](#)

10. Approval of Funding of \$75,000 to The Pomona Economic Opportunity Center (PEOC) in Accordance with the Defined Disbursement Schedule

It is recommended that the City Council approve funding for the Pomona Economic Opportunity (the "PEOC") for Fiscal Year 2020-2021 in the amount of \$75,000 to be disbursed in four equal payments of \$18,750 at the end of each quarter after receipt, review and approval of the respective Quarterly Reports.

Attachments:     [080320 PEOC approval](#)  
                             [Attch 1 PEOC](#)

11. Amendment of the FY 2020-2021 City Operating Budget by Increasing Revenue Estimates and Appropriations in State Census 2020 Education and Outreach Grant Funds

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

**RESOLUTION NO. 2020-122 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-2021 CITY OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS BY \$78,280 IN STATE CENSUS 2020 EDUCATION AND OUTREACH GRANT FUNDS**

Attachments:     [Staff Report - Reallocation of Census Grant Funds](#)  
                             [Resolution No. 2020-122](#)

12. Approve Amendment No. 1 to the Memorandum of Agreement with the San Gabriel Valley Council of Governments to Participate In the San Gabriel Valley Regional Vehicle Miles Traveled (VMT) Analysis Model

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

- 1) Approve Amendment No. 1 to the Memorandum of Agreement (MOA) with the San Gabriel Valley Council of Governments (SGVCOG) for an additional amount of \$2,750 to add a web-based Regional VMT Analysis tool to the scope of work and extend the term of the MOA to July 31, 2025; and
- 2) Authorize the City Manager to execute Amendment No. 1, future amendments and all necessary documents at the discretion of the City Manager, subject to review by the City Attorney.

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

13. Letter of Support for Metro L (Gold) Line Fairplex Safety and Connectivity Project

It is recommended that the City Council the authorize the submittal of a letter of support to the San Gabriel Valley Council of Governments (SGVCOG) executed by the City Manager for the Metro L (Gold) Line Fairplex Safety and Connectivity Project.

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

14. Adopt a Resolution to Add the “Pomona Regulate Cannabis Act of 2018” Measure to the General Municipal Election of November 3, 2020

It is recommended that the City Council adopt the following resolution in order to add a measure to the November 3, 2020 ballot:

**RESOLUTION NO. 2020-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO THE “POMONA REGULATE CANNABIS ACT OF 2018” AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 AS CALLED BY RESOLUTION NO. 2020-83**

**Attachments:**    [Staff Report to add Cannabis Measure to ballot](#)  
[Attachment No. 1](#)  
[Attachment No. 2](#)  
[Attachment No. 3](#)  
[Attachment No. 4](#)  
[Attachment No. 5](#)

## **DISCUSSION CALENDAR**

**15.**     Finding of Public Benefits 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 for previously approved projects/activities.

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

## **MATTERS INITIATED BY CITY COUNCIL MEMBERS**

*Items for future City Council consideration as requested by Mayor or Members of the City Council*

## **ADJOURNMENT**

*The August 3, 2020 Council meeting will be adjourned in memory of Adlai Yarbrough who served as a dedicated teacher and principal for the Pomona Unified School District. The next Regular Meeting will be held on September 14, 2020 via teleconference due to the COVID-19 pandemic. 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 for the City of Pomona, hereby certify that the agenda for the August 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](http://www.ci.pomona.ca.us) on July 30, 2020.*

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

/s/ Rosalia A. Butler, MMC  
City Clerk