

# City of Pomona

505 S. Garey Ave.  
Pomona, CA 91766



## **Revised** Regular Meeting Agenda

**Monday, April 15, 2019**

**7:00 PM**

**Closed and Open Session**

**Council Chambers**

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

*Mayor Tim Sandoval  
Vice-Mayor Rubio R. Gonzalez  
Councilmember 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.**

**CLOSED SESSION**

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Held in the City Council Conference Room adjacent to the Council Chambers on the south side of the building.

**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.

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Three matters regarding possible litigation to be initiated will be discussed (Pursuant to Government Code Section 54956.9 (d)(4))

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

**C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** (Pursuant to Government Code Section 54956.9 (d)(1))

*City of Pomona v. Auto Lodge*; Superior Court Case No. KC067276

**D. 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: Linda Lowry and Linda Matthews

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

Property: 405 W. Ninth Street  
Negotiating Party: Parker Insight LLC  
Successor Agency's  
City's Negotiator: Linda Lowry, City Manager  
Under Negotiation: Price and Terms

**7:00 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**POSTING OF COLORS**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

- A. Certificate of recognition to Lucero Sandoval and Margarita Ramirez of Village Academy High School winning art work, and Sadigheh Phillips for supporting the arts through her teaching role each year for the Metropolitan Water District of Southern California's 2019 water education student art contest "Water is Life"

*Attachments:* [CR Recognition.docx](#)

- B. Proclamation declaring April 2019 as DMV/Donate Life California Month in the City of Pomona
- C. Recognition of outgoing Commissioner Jacqueline Elizalde-Macias

**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. Pre-Paid Long Term Extension of Existing Lease Agreements with Crown Castle for Cell Sites**

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

- 1)** Approve transition of the proposal from Crown Castle to enter into 31-year lease amendments/extension on five sites and a 31-year term top license on the 1400 E. Mission Blvd. site. The proposal will result in a one-time payment to the City of \$3,214,000 in prepaid rent (plus \$26,000 in future rent on the Mission Blvd. site). The proposal includes an option for Crown to add up to 500 square feet of land area at each of the six sites and will provide the City 50% pf the revenue received from any new subtenant who installs cell site facilities within any added land area; and
- 2)** Authorize the City Manager, or her designee, to execute lease amendments and top license agreement on behalf of the City, subject to review by the City Attorney.

**Attachments:**     [Staff Report \(BBK Edits\).docx](#)

### **2. Adopt a Resolution Reappropriating \$100,000 of CDBG Funds and Making a Finding Necessity; and, Award a Construction Contract in the Amount of \$3,995,744 to Gentry Brothers, Inc. for Street Preservation-Local-Citywide (FY 18-19) Project No. 428-2590-XXXXX-68560; Street Improvements-Citywide (CDBG) (FY 18-19 to FY 20-21) Project No. 428-2590-XXXXX-67925; Alley Improvements-Citywide (CDBG) (FY 14-15 to FY 16-17) Project No. 428-2590-XXXXX-64775 and Alley Improvements-Citywide (CDBG) (FY 17-18 to FY 19-20) Project No. 428-2590-XXXXX-68556**

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

- 1) Adopt a Resolution 2019-44 to**
  - a. Amending the 2018 - 2019 Capital Improvement Program (CIP) budget by:
  - i. Unappropriating \$100,000 of Mayoral CDBG funds from "Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18)," Project No. 428-2590-XXXXX-64807; and

- ii. Appropriating \$100,000 of Mayoral CDBG funds to “Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21),” Project No. 428-2590-XXXXX-67925;
- b. Making a Finding of Necessity for awarding this project with additional sub-contractors not listed in the original Gentry Brothers, Inc. bid;
- 2) Award a construction contract in the amount of \$3,995,744 to Gentry Brothers, Inc. for “Street Preservation - Local Citywide (FY 18-19),” Project No. 428-2590-XXXXX-68560 (\$3,485,634); “Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21),” Project No. 428-2590-XXXXX-67925 (\$307,720); “Alley Improvements - Citywide (CDBG) (FY 14-15 to FY 16-17),” Project No. 428-2590-XXXXX-64775 (\$101,195); and “Alley Improvements - Citywide (CDBG) (FY 17-18 to FY 19-20),” Project No. 428-2590-XXXXX-68556 (\$101,195), “The Project”;
- 3) Authorize change order capability totaling \$510,604, as funds allow, which is approximately 13% of the contract amount, for the Project, exceeds the maximum of \$100,000 allowed by City Code Section 2-1001(b)(14), and is commensurate with the size and scope of this project;
- 4) Find that the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c), in that the projects consist of the operation, repair, and maintenance of existing streets; and
- 5) Authorize the City Manager to execute the construction contract and any subsequent change orders on behalf of the City.

Attachments:    [Staff Report.docx](#)  
                          [Attachment No. 1 – Resolution No. 2019-XX.doc](#)  
                          [Attachment No. 2 - Location Maps.pdf](#)

3. Standardize Overhead Street Name Signs with Reflective Street Name Signs

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

Approve staff recommendation to standardize all overhead street name signs with reflective street name signs.

Attachments:    [Staff Report.docx](#)

4. Approve a “Piggyback” option for the purchase of Perchlorate Resin from Prominent Systems, Inc., utilizing a contract competitively bid and awarded by the City of Colton, California

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

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Approve a “Piggyback” option for the purchase of Perchlorate Resin removal and replacement services, as-needed, from Prominent Systems, Inc. (Prominent), utilizing a contract that was competitively bid and awarded by the City of Colton, CA (Bid No. RFB-WTR-11-09-001).

Attachments: [Staff Report-Perchlorate Resin.docx](#)

5. Amendment of the FY 2018-19 Capital Improvement Program Budget by Appropriating \$1,800,000 to Police Roof Replacement Project From Available Series “AW” Bond Funds

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

Resolution No. 2019-19 - A Resolution of the City Council of the City of Pomona, California, Amending the FY 2018-19 Capital Improvement Program (CIP) Budget by Appropriating \$1,800,000 from Available Series “AW” Bonds (Mission Promenade Sale Proceeds) to “Police - Main Facility Roof Replacement,” Project No. 428-2590-XXXXX-73369

Attachments: [Staff Report](#)  
[Attachment No 1 - Proposed Resolution No. 2019-19 .doc](#)

6. Approval of Fourth Amendment to the Summer Aquatic Programs Agreement with the YMCA of Orange County to Extend the Term for Aquatic Services through the 2019 Pool Season and Increase the Annual Contract Amount by \$12,137.00

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

- 1) Approve the Fourth Amendment to the Summer Aquatic Programs Agreement with the YMCA of Orange County to extend the term for aquatic services through the 2019 pool season and increase the annual contract amount by \$12,137.
- 2) Authorize the City Manager to execute the amendment, subject to approval as to form by the City Attorney.

Attachments: [Council Report - YMCA Fourth Amendment 4-15-19.docx](#)  
[Attachment No 1 - YMCA Scope of Services 2016-2019.pdf](#)

7. Award of bid to Odyssey Power for the purchase of two replacement emergency backup generators and automatic transfer switches in the amount of \$93,224

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

Approve an award of bid to Odyssey Power for the purchase of two (2) replacement emergency backup generators and automatic transfer switches, in the amount of \$93,224



**Attachments:**    [Council Report - Award of Bid for Backup Generators.docx](#)  
                          [Attachment No. 1-Backup Generator Bid Summary 2018-22.pdf](#)

8. Authorize the Use of Sourcewell Cooperative Contract #120716-NAF Awarded to National Auto Fleet Group (Permitted Per the “Piggyback” Provision of the Purchasing Ordinance) to Purchase Eight (8) 2019 Dodge Police Chargers in the Amount of \$ 215,061

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

Authorize the Use of a Sourcewell Cooperative Contract #120716-NAF Awarded to National Auto Fleet Group (Permitted Per the “Piggyback” Provision of the Purchasing Ordinance) to Purchase Eight (8) 2019 Dodge Police Chargers in the Amount of \$215,061

**Attachments:**    [Staff Report - National Auto Fleet Group](#)  
                          [Attachment.pdf](#)

## **DISCUSSION CALENDAR**

9. Finding of Public Benefit of the Community at Large: Recommended Expenditures and Recap of Funds

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

- 1) Approve the expenditures recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for recommended items; and
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

**Attachments:**    [Staff Report FOPB](#)  
                          [Attachments 1- 3](#)

10. Consideration of Draft Ordinance Prohibiting Shared Dockless Micro-Mobility Device Businesses and City Council Direction Regarding a Pilot Project to Explore Impacts of Permitting Micro-Mobility Device Businesses as an Authorized Use

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

- 1) Introduce for first reading, an Ordinance (Attachment No. 1) adding Article XIII to Chapter 30, titled “Shared Dockless Micro-Mobility Device Businesses; e-Scooters and e-Bicycles” in the City of Pomona Municipal Code to prohibit shared dockless micro-mobility devices from being offered, placed or operated on any public property or right-of-way; and



2) Provide direction regarding the Council's desire to implement an e-scooter and/or e-bicycle, or other shared mobility device pilot program in the future.

**Attachments:**    [Staff Report](#)  
                          [Attachment 1 Ordinance.docx](#)

11.    Status of Affordable Rental Housing Covenants Overseen by the Pomona Housing Authority Acting as the Housing Successor Agency

It is recommended that the City Council receive and file the information provided within this report.

**Attachments:**    [Staff Report - Affordable Rental Housing Convenants](#)  
                          [Attachment 1 - Affordable Rental Housing Covenant Overview](#)

**MATTERS INITIATED BY CITY COUNCILMEMBERS**

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

**ADJOURNMENT**

*A joint Special Meeting will be held with the City Council and Planning Commission on Wednesday, May 1, 2019, at the Ganesha Park Community Center, 1575 White Ave, Pomona, California. The Open Session will commence at 6:00 p.m.*

**CERTIFICATION OF POSTING AGENDA**

*I, Genoveva Rocha, CMC, Deputy City Clerk II for the City of Pomona, hereby certify that the REVISED agenda for the Monday, April 15, 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 Thursday, April 11, 2019.*

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

*/s/ Genoveva Rocha  
Deputy City Clerk II*