

8. Approve the sole source purchase of 163 body armor vests and related equipment from Officer Survival Solutions (OSS) in an amount not to exceed \$93,095. **This item was continued to a future City Council meeting.**
9. The City Council received and filed the Fiscal Year 2015-16 June Unaudited Year-End Report (95% Complete) . **MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY COUNCILMEMBER MARTIN, CARRIED 6-0-1-0 (MAYOR ROTHMAN ABSENT).**
10. This item was pulled prior to the posting of the Agenda.
11. The City Council adopted a Resolution amending the Fiscal Year 2016-17 Capital Improvement Program (CIP) Budget by appropriating \$512,500 of available Water Fund Balance to "Water Master Plan (2016)" Project No. 595-8125-XXXXX-95074 and awarded a contract to RMC for the development of a Water, Sewer, and Recycled Water Strategic Plan in the amount of \$1,099,950. **MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY COUNCILMEMBER MARTIN, CARRIED 6-0-1-0 (MAYOR ROTHMAN ABSENT).**

**ITEMS PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION**

2. Receive an update on the inspection of waste and recycling businesses currently operating in the City of Pomona

Development Services Manager Johnson provided an explanation of the history and an update on the inspection of waste and recycling businesses currently operating in the City of Pomona.

Jeff Farano, SA Recycling, expressed appreciation for the City Council's direction to inspect waste and recycling facilities; noted that he will work with Staff to resolve some issues that were found during the inspection of SA Recycling's facility; and expressed support for the City Council's actions.

Derek Engdahl, ICON, stated that the report proves the concerns of the Waste & Recycling Task Force; opined that the City is not adequately monitoring the businesses; and suggested that the City develop a plan to bring businesses into compliance and a plan to routinely inspect the businesses and to ban future waste and recycling businesses from operating in the City.

Michael Bowerman, expressed support for a ban on new facilities because the City is currently unable to adequately monitor them until current operators can be properly regulated.

Kyle Brown, Clean & Green Pomona, stated that the threats to public health and safety are consistent with the concerns presented by ICON, Clean & Green Pomona, and other similar groups; noted that the City does not have sufficient capacity to regulate the operation of waste and recycling businesses; and suggested that the City ban additional waste and recycling facilities from operating in the City.

Marie Trew, ICON, opined that too many violations are being overlooked and are putting the health of children at risk because there are too many facilities that are located near schools; and stated that the City should inspect the waste and recycling facilities and close them if they fail to meet standards set by the City.

John Mendoza, Pomona, alleged that money that was received to pay for a Code Inspector was never utilized; and stated that the report does not show pollution, trucks that are often parked on the streets, or issues that the workers may be experiencing.

Blandina Rodriguez, suggested that the City Council create a plan of action so that the businesses with violations will work quickly to comply with the laws and that the City Council ban additional waste and recycling businesses from operating in the City.

Tom Reed, encouraged the City Council to move forward with the opportunities that were presented; requested that the City Council direct the City Attorney to draft an Ordinance banning new waste and recycling facilities; and expressed support for an enforcement plan.

Paul Dibble, ICON, opined that Pomona has done more than its fair share in providing recycling facilities for the City and surrounding areas; expressed support for a ban on new facilities and for performance standards for existing businesses; and noted that the City hired a Code Enforcement Officer who should be enforcing the City Code in industrial areas.

The following submitted speaker cards in favor of Agenda Item No. 2 but did not wish to speak:

- |                          |                    |                           |
|--------------------------|--------------------|---------------------------|
| • Karen Shatola          | • James Butler     | • Lydia Maldonado-Calzada |
| • Damiana Aldana         | • Stan Springer    | • Luis Duran              |
| • Rosaura Guzman Jimenez | • Robert Scheffler | • Ian Puschila            |
| • Adam Donner            | • Robert Linthicum | • Legia Yuan              |
| • Jenna Hoover           | • James Ross       | • Angie Perez             |
| • Colin Brown            | • Maria Kurtek     |                           |

Councilmember Nolte inquired and Development Services Manager Johnson informed that the City has sent a Code Compliance Officer to every industrial parcel within the City to ensure that the businesses are operating as indicated on their business license, that auto wrecking businesses, pallet companies, and the medical waste facility were not included in the inspections, and that some businesses have been shut down because they didn't want to go through the process to obtain a Conditional Use Permit.

Councilmember Nolte inquired and Assistant City Attorney Jared advised that a fee structure could be created if it details the type of inspection and what is being inspected because the City may only recover the cost of the service that is being provided and that a proposal that states that all of the business are required to pay the fee and that all of the businesses that have paid the fee will be inspected can be a valid proposal.

City Manager Lowry summarized that the discussion is leading to the next steps toward bringing the current businesses into compliance and preventing new businesses from opening until the City has sufficient resources to manage the issues that these types of businesses may encounter; and informed that the City Council may ask at this time for additional information from Staff.

Councilmember Nolte expressed that he would be in favor of banning additional waste or recycling businesses in the City because the City currently does not have sufficient resources to regulate them.

Councilmember Lantz expressed support for the idea of a ban on new waste and recycling facilities; stressed the importance of itemizing the plan for each of the locations in the report and a time frame for bringing them into compliance; and supported the idea of having a fee for an annual inspection with the exception that those businesses that are consistently compliant may be inspected every other year.

Assistant City Attorney Jared advised that an Ordinance banning new waste and recycling facilities can be brought back to the City Council and that, although an outline of the compliance plan for each business cannot be provided because due process prevents the City from going any further, the flow chart requested by Councilmember Nolte will provide a generalized idea of how long it may take each businesses to become compliant.

Councilmember Lantz inquired and Assistant City Attorney Jared informed that the flow chart should be available on the November 21, 2016 City Council agenda.

Councilmember Carrizosa urged Staff to propose an Ordinance to the City Council so that it can be implemented and enforced as soon as possible; expressed concern for pallet recycling businesses as they are a fire hazard; and expressed support for an Ordinance banning additional waste and recycling facilities.

The City Council requested that an item be brought back on the November 21, 2016 City Council agenda that includes a proposed Ordinance banning new waste and recycling facilities, inspection details, and a proposed fee for the inspection of waste and recycling facilities.

Councilmember Escobar emphasized the importance of meeting the timeline that is proposed by Staff.

Vice Mayor Robledo noted that she would be in favor of a temporary ban rather than a permanent ban on new waste and recycling businesses.

Councilmember Escobar stated that the goal is to have waste and recycling businesses that do not jeopardize the health and safety of the City's residents.

Councilmember Martin stated that auto wreckage businesses should be included; inquired whether Staff can find grants that would be able to support additional Code Compliance Officers who could inspect the facilities; and expressed support for banning new waste and recycling facilities.

The City Council received an update on the inspection of waste and recycling businesses currently operating in the City of Pomona. **MOTION BY COUNCILMEMBER NOLTE, SECOND BY COUNCILMEMBER LANTZ, CARRIED 6-0-1-0 (MAYOR ROTHMAN ABSENT) directing Staff to provide a flow chart including enforcement procedures and estimated timelines, ongoing inspections including a fee structure in which businesses being inspected pay for ongoing inspections, and a ban on any new hazardous waste, automobile dismantling, electronic waste,**

**medical waste, food waste, green waste, recycling (excluding convenience recycling facilities), solid waste, and construction and demolition waste facilities.**

3. Direct staff to mail out a draft informational flyer for the purpose of public outreach and education in regard to permit requirements for various home improvement projects Citywide

Councilmember Escobar noted that she would like to add verbiage regarding fireworks as long as the total cost remains less than \$2,000.

Councilmember Martin inquired and Development Services Director Lazzaretto informed that it would cost another \$1,000 if the City Council elected to send out a separate flyer specifically regarding fireworks.

Councilmember Lantz requested that the flyer be limited to 1/3 of an 8 ½" x 11" page and that a sample flyer be included in the Weekly Report; expressed concern that the flyer may imply that residents who live in a historic district are the only residents to whom the information applies; and noted that exterior alterations to homes within a historic district almost always require a permit.

Councilmember Carrizosa requested that the Spanish spelling and grammar be reviewed and noted that the information regarding garage conversions was not translated.

Councilmember Escobar inquired and Development Services Director Lazzaretto informed that although the flyer could only be sent to residents within a historic district, he felt it would be more prudent to send the flyer to all residents.

Councilmember Martin requested that a phone number be added to the flyer in case historic district residents have any questions.

Councilmember Lantz expressed appreciation for the contrasting colors used on the flyer.

Vice Mayor Robledo requested that the font be changed to Arial because it is easier to read and that Staff inform the City Council how successful the flyer proves to be.

The City Council directed staff to mail out a draft informational flyer for the purpose of public outreach and education in regard to permit requirements for various home improvement projects Citywide. **MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-1-0 (MAYOR ROTHMAN ABSENT) to approve the draft flyer to include verbiage regarding the prohibition of fireworks and consequences for setting them off, correcting the verbiage in Spanish, and changing the font to Arial.**

#### **DISCUSSION CALENDAR**

12. The City Council adopted a Resolution approving an exception to the 180-day wait period to hire Philip Smith as a retired annuitant as required by California Public Employees' Retirement Law, Government Code Sections 7522.56(f) and 21224. **MOTION BY COUNCILMEMBER LANTZ, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 6-0-1-0 (MAYOR ROTHMAN ABSENT).**