



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

Meeting Minutes

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.*

Monday, July 15, 2019

7:00 PM

Council Chambers

5:30 P.M. City Council Conference Room

CLOSED SESSION

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

Savengrith v. City of Pomona, et al.

L.A. County Superior Court, Central District; Case No. BC603920

Jason Abboud v. City of Pomona, et al;

L.A. County Superior Court, Central District; Case No. BC599074

Inland Valley Humane Society v. City of Pomona

L.A. County Superior Court; Case No. BC599074

B. PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code Section 54957(b)(1))

Public Works Director

City Manager

City Attorney

C. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6)

One Unrepresented Employee - City Attorney
Labor Negotiator: Linda Matthews
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

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

Interim City Attorney Christi Hogan reported that the City Council had convened into Closed Session at 6:00 p.m. with Councilmember Torres absent and that Council discussed Item A but took no reportable action. Ms. Hogan also stated that Council discussed Item B and at the recommendation of the City Manager, Linda Lowry, took action to appoint Rene Guerrero as the new Public Works Director on a vote of 5-1 with Councilmember Preciado in opposition and Councilmember Torres absent. She also reported that Council discussed Item C but no reportable action was taken.

Interim Attorney Christi Hogan excused herself from the Council meeting and indicated that her colleague, Sonia Carvalho, would be overseeing the meeting as City Attorney for the evening.

7:00 P.M. Council Chambers

CALL TO ORDER

Mayor Sandoval called the City Council Meeting to order at 7:00 p.m.

ROLL CALL

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

Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert Torres

STAFF PRESENT:

Linda Lowry, City Manager
Christi Hogan, Interim City Attorney
Rosalia Butler, City Clerk
Genoveva Rocha, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Councilmember Ontiveros-Cole led the Pledge of Allegiance.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Mayor Sandoval made a statement regarding the negotiation process with the Pomona Police Officers Association (PPOA). He stated that both sides had been working hard to come to an agreement and that the City Council had been advised by the City Attorney not to comment on the negotiations. Mayor Sandoval also shared that the Council appreciated the police and that now was not the time to be divided. He also stated that he proposed to the City Council in Closed Session that an ad hoc committee be established to work with city negotiators to help expedite the negotiation process which the Council unanimously agreed to. Mayor Sandoval concluded by thanking the Pomona police officers for all the hard work that they did.

Mayor Sandoval asked, with support of the City Council, to honor and recognize military veterans at each future Council meeting beginning with the first meeting in August 2019.

Councilmember Preciado congratulated the U.S. Women's Soccer Team and shared that the next Pomona Art Walk would be in conjunction with the 25 Year Art Colony Anniversary. He also invited the public to pick up the City's new Summer Recreation Program Service Guide.

Councilmember Gonzalez congratulated new Public Works Director Rene Guerrero on his appointment and shared that he attended the Chamber of Commerce installation of new officers. Councilmember Gonzalez also indicated that he had attended the family excursion to the Fairplex and thanked the Police Department for rescuing another minor from sex trafficking.

Councilmember Torres shared that he had attended a regional seminar through Independent Cities Association and stated that a topic touched upon at the seminar was

that of pensions. He urged the City to get ahead of this financial issue. Councilmember Torres also shared his strong support for the Police Department and all the work they do within the City.

Councilmember Ontiveros-Cole thanked the public for attending the Council meeting and thanked newly appointed Public Works Director Rene Guerrero for his hard work and congratulated him on his appointment. She also spoke on her visit to one of Pomona's historic landmarks, the Lassie House.

Councilmember Garcia shared her approval for Mayor Sandoval's statement and the idea of an ad hoc committee to assist with the negotiation process. She also clarified that a statement that she made at a previous Council meeting and used on a PPOA flyer was not in relation to labor negotiations. Councilmember Garcia stated that the first summer concert, which was funded by a grant awarded by L.A. County First District Supervisor Hilda Solis, would take place at Civic Center Park on Saturday, July 20, 2019.

Councilmember Lustro stated that he was optimistic about the formation of the ad hoc committee and hoped for a quick resolution to the negotiations. He also commented on his interview with Urban Land Institute along with 80 other individuals interviewed for their ideas on the development of the Fairplex property. Councilmember Lustro also congratulated newly appointed Public Works Director Rene Guerrero on his position.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry asked City Clerk Rosalia Butler to announce the following corrections/recommendations to the Council meeting agenda:

Consent Calendar Item No. 19 – Amendment of the FY 2019-20 Capital Improvement Program Budget by Closing Completed/Cancelled Projects and Re-Appropriating Unexpended Funds in the Amount of \$715,614 or a Lesser Amount

A revised Exhibit "A" to the staff report was presented to the City Council for review. The original Exhibit "A" Option 1 was duplicated and inserted in error as Exhibit "A" Option 2. The correct Exhibit "A" Option 2 was not part of the original staff report.

Consent Calendar Item No. 21 – First Reading of an Ordinance Amending Sections of Chapter 62 of the City Code Pertaining to Certain Water Service Fees and Adoption of a Resolution Establishing a Water and Wastewater/Sewer Funds Reserve Policy

City Clerk Butler requested that this item be moved from the Public Hearing section of the agenda to the Discussion section of the agenda due to the fact that this item did not have to be approved via a Public Hearing.

Consent Calendar Item No. 22 – Update and Direction Relating to the Water Resources Administration and Operations Facility and the City Stable

An updated staff report was presented to the City Council for review and consideration.

Consent Calendar Item No. 26 – Introduction and First Reading of an Ordinance Amending Pomona City Code Section 58-164 to Disallow Temporary Parking at Red Curbs While Loading or Unloading Merchandise or Passengers

City Clerk Butler requested that this item be moved from the Public Hearing section of the agenda to the Discussion section of the agenda due to the fact that this item did not have to be approved via a Public Hearing.

A motion was made by Mayor Sandoval and seconded by Councilmember Ontiveros-Cole, to approve all corrections/recommendations announced by City Clerk Butler. Motion carried by a vote of 7-0.

PUBLIC PARTICIPATION

Paul J. Harvey spoke in support of the Pomona Police Officers Association.

Dale Coleman, representative from the Fairplex, gave the City Council an update on the various events occurring at the Fairplex such as Kaboom, book drive, Urban Land Institute, Employee of the Year Award from the Chamber of Commerce, and Fairplex's hosting of the 3rd Annual L.A. Veterans Resource Expo scheduled for July 26, 2019.

Sylvia Novoa, Government & Community Relations Manager for Metrolink, thanked the City of Pomona for its support of the Metrolink and awarded the City the Community Link Award.

Arturo Jimenez spoke on the topic of morale within the City.

Cindy & Emma Corral asked for the reinstatement of a bus stop on Fairplex and McKinley.

Roberta Perlman, Pomona School Boardmember, provided an update on the Pomona Public Library Foundation Family Cultural Excursion Program.

Jeff Lundgren, Pomona business owner, spoke on concerns regarding the homeless population and the crime they bring to his business. He also discussed the needs of the City's police officers.

John Mendoza, Three Valley's Water District Boardmember, spoke on concerns with respect to the Federal Government.

Ben Wood spoke on the need of civilian oversight of the Police Department.

Paola Avendano, representative from Assemblymember Rodriguez's Office, informed the community of two events being hosted by the Assemblymember's Office. The first event

was the Transportation Funding Town Hall of SB 1 on July 18, 2019 in the City of Ontario and the second event was the Summer Open House scheduled for July 20, 2019 in the City of Chino.

Barry Dolgovin spoke in support of the Pomona Police Officers Association.

The following members of the public did not wish to speak but submitted a "Citizen Speaker Card" to have their vote of *support* be read into the record for the Pomona Police Officers Association (PPOA):

Adam Morales
Eva Morales
Andrew Kane
Kathie Conaway
Savannah Plass
Lori Brazzill
Sonya Williamson
Mike Snyder
Steve Cormack
Tomas Ramirez
Eric Berger
Brian Haverty
Travis Johnson
David Estrada
Martin Enriquez
Beth Brooks
Mary Prendergast
Shreef Erfan
Bert Sanchez
Ernesto Rios
Timothy Dorn
Michael Lee
Frank Sacca
Fred Kittman
Jeremy Hunt
Anthony Luna
Adrian Rodriguez
Ralph Rivera
Art Cruz
Nick Hedlund
Jensen Chao
Joe Dolgovin
Jorge Aleman
Jaime Martinez
Ryan Rodriguez
Daniel Watkins

Fernando Flores
Richard Machado
Greg Freeman
Char Kane
Chris Casas
Iain Miller
Ion Puschila
Debra Martin
Luis Jimenez
Cynthia Jimenez
Brittanie Conaway
Wendy Fletcher
Cody Brazzill
Pete Valenzuela
Emma Brazzill
Leah Valenzuela
Chris Brazzill
Patrick Naish
Gerardo Rodriguez
Steven Medina
Gisele Rodriguez
Monica Rodriguez
Destiny Madeso
Lilia Medina
Manny Medina
Brandie Gonzales
Jacqueline Medina
Ismael Arias
Carolyn Hemming

CONSENT CALENDAR

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to approve the Consent Calendar except for Item No.'s 4, 10, & 17 which were pulled for discussion and voted on separately. Motion carried by a vote of 7-0.

1. Amendment of the FY 2019-20 Capital Improvement Program (CIP) Budget by Appropriating \$90,000 of Building and Equipment Replacement Funds to the City Hall First Floor Remodel Project and Award of Contract to Horizons Construction Company International, Inc. in the Amount Not-To-Exceed \$82,516 for the Removal of the Existing Sensitive Material and the Temporary Removal of Furniture

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-50 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$90,000 FROM THE BUILDING AND EQUIPMENT REPLACEMENT FUND (434-2590-89987-74115) TO "CITY HALL FIRST FLOOR REMODEL," PROJECT NO. 428-2590-XXXXX-74115; and

2) Award a contract to Horizons Construction Co. Int'l, Inc. in the amount not-to-exceed \$82,516 for the removal of the sensitive material; and

3) Authorize the City Manager to execute all necessary documents, all other change orders, and related documents to complete the intent of the project on behalf of the City, subject to review by the City Attorney.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-50, award a contract to Horizons Construction Co., Int'l, and authorize the City Manager to execute all necessary documents. Motion carried by a vote of 7-0.

2. Acceptance of a Grant Award of \$7,500 from Tri-City Mental Health Services for the Heroes of Pomona Speech Contest and Amending the FY 2019-20 Miscellaneous Grant Funds Budget by Appropriating the Grant Funds

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

RESOLUTION NO. 2019-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA ACCEPTING A GRANT OF \$7,500 (215-4190-40380-58687) FROM TRI-CITY MENTAL HEALTH SERVICES FOR THE HEROES OF POMONA SPEECH CONTEST AND AMENDING THE FY 2019-20 MISCELLANEOUS GRANT FUNDS BUDGET BY APPROPRIATING THE \$7,500 TO 215-4190-XXXXX-58687

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-65. Motion carried by a vote of 7-0.

3. Approval of Lot Merger LM14-2018, for the Property Located at 350 N. Garey Avenue, Pomona, CA, Assessor Parcel Number 8336-026-017, Related to the Remodeling of the Historic YMCA Facilities (Council District 4)

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-86 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM14-2018 FOR THE PROPERTY LOCATED AT 350 N. GAREY AVENUE, ASSESSOR PARCEL

NUMBER 8336-026-017; and

2) Authorize the City Engineer to sign the Lot Merger LM14-2018 on behalf of the City.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-86 and authorize City Engineer to sign the Lot Merger LM14-2018 on behalf of the City. Motion carried by a vote of 7-0.

4. Approval of Lot Merger LM13-2018, for the Properties Located at 1265-1295 E. Ninth Street, Pomona, CA, Assessor Parcel Numbers 8327-013-011 and -012, related to a Proposed New Industrial Development (Council District 3)

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

- 1) Adopt the following Resolution:

RESOLUTION NO. 2019-84 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM13-2018 FOR THE PROPERTIES LOCATED AT 1265-1295 E. NINTH STREET, ASSESSOR PARCEL NUMBERS 8327-013-011 AND -012; and

- 2) Authorize the City Engineer to sign the Lot Merger LM13-2018 on behalf of the City.

Councilmember Garcia pulled Item No. 4 for further discussion.

Councilmember Garcia spoke on her concerns of the type of business that could occupy this property and traffic issues surrounding the property with regard to trucks.

Development Services Director Anita Gutierrez explained that the project for this property was done through a plan check through a ministerial permit and that is the reason for a traffic analysis and or CEQA analysis not being needed. She also stated that the building for this project had been partially constructed.

Councilmember Garcia asked when a traffic study could be done on Reservoir Street.

Development Services Director Gutierrez stated that a traffic study had been done in 2014 through the Environmental Impact Report that was completed.

A motion was made by Mayor Sandoval and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-84 and authorize City Engineer to sign the Lot Merger LM13-2018 on behalf of the City. Motion carried by a vote of 7-0.

5. Approve an Open Purchase Order with Ray Gaskin Service, Inc. for the Purchase of Parts to Repair and Maintain the Body and Components of the City's Refuse Trucks

It is recommended that the City Council approve an open purchase order to Ray Gaskin Service, Inc. for the purchase of New Way refuse truck body parts and components in an amount up to \$180,000 annually for an initial three-year term, with two one-year extension options.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to approve an open purchase order to Ray Gaskin Service, Inc. for the purchase of New Way refuse body parts and components in an amount up to \$180,000 annually for an initial three-year term, with two one-year extension options. Motion carried by a vote of 7-0.

6. Approval of Lot Line Adjustment LLA1-2012, Assessor Parcel Numbers 8704-027-016 and -901, for Lot Expansion and Future Improvements at the Residential Property Located at 9 Rancho Jurupa Place, Pomona, CA (Council District 5)

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-92 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT LLA1-2012 FOR THE PROPERTY LOCATED AT 9 RANCHO JURUPA PLACE, ASSESSOR PARCEL NUMBERS 8704-027-016 AND -901; and

- 2) Authorize the City Engineer to sign the Lot Line Adjustment LLA1-2012 on behalf of the City.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-92 and authorize the City Engineer to sign Lot Line Adjustment LLA1-2012 on behalf of the City. Motion carried by a vote of 7-0.

7. Award of Contract to Horizons Construction Company International, Inc. in an Amount Not-to-Exceed \$57,370 for Repairs to City Yard Block Wall and Garage Door

It is recommended that the City Council award a contract to Horizons Construction Company International, Inc. in an amount not-to-exceed \$57,370 for the repair of a block wall and garage door at the City Yard Equipment Maintenance shop.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to award a contract to Horizons Construction Company International, Inc. in an amount not-to-exceed \$57,370 for the repair of a block wall and garage door at the City Yard Equipment Maintenance shop. Motion carried by a vote of 7-0.

8. Award of a Three Year Contract to Lance Soll & Lunghard LLP for a Total of \$233,100 to Perform an Independent Audit of the City and City Agencies for the Fiscal Years Ending June 30, 2020, 2021, and 2022

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

- 1) Award of a three year contract to Lance Soll & Lunghard LLP for a total of \$233,100 to perform an Independent Audit of the City and City Agencies for the fiscal years ending June 30, 2020, 2021, 2022; and
- 2) Authorize the City Manager or her designee to execute the contract on behalf of the City.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to award a three year contract to Lance Soll & Lunghard LLP for a total of \$233,100 to perform an Independent Audit of the City and City Agencies for the fiscal years ending June 30, 2020, 2021, 2022, and authorize the City Manager to execute contract on behalf of the City. Motion carried by a vote of 7-0.

9. Approve an Amendment to the Agreement with joyAutomation to provide Professional Support and Maintenance Services to the City's Water Supervisory Control and Data Acquisition (SCADA) System

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

- 1) Approve an amendment to the agreement with joyAutomation; adding software replacement and keeping all other terms intact; and
- 2) Authorize the City Manager to execute the agreement amendment and future renewal options with joyAutomation to provide professional support and maintenance to the City's SCADA system.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to approve an amendment to the agreement with joyAutomation; adding software replacement and keeping all other terms intact and authorize the City Manager to execute the agreement amendment and future renewal options with joyAutomation to provide professional support and maintenance to the City's SCADA system. Motion carried by a vote of 7-0.

10. Formation of the Phillips Ranch Assessment District Oversight Committee

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

- 1) Approve the formation of the Phillips Ranch Assessment District Oversight Committee; and

2) Approve the proposed Bylaws of the Phillips Ranch Assessment District Oversight Committee.

Councilmember Preciado pulled Item No. 10 for further discussion.

Councilmember Preciado inquired about why an oversight committee was needed if the voters originally voted against the assessment increase.

Public Works Director Guerrero shared that this committee would give the public an opportunity to share ideas on how they would like to improve the assessment.

Councilmember Garcia stated her concern on the Fiscal Impact being none in the agenda staff report because she felt this was untrue due to the fact that staff time would be needed.

Councilmember Torres asked for clarification on the structure of the proposed oversight committee.

Public Works Director Guerrero gave an overview of the committee.

Councilmember Lustro stated that the previous ad hoc committee shared that they wanted an oversight committee whether the assessment increase passed or not.

Councilmember Torres asked if his appointment to the oversight committee would need to live in District 5 in order to serve.

Mayor Sandoval clarified that all Council appointments needed to reside in District 5.

City Manager Lowry commented that the level of service in the Phillips Ranch Assessment District has declined each year as the cost to provide service has gone up. City Manager Lowry stated that this oversight committee would assist residents in deciding how the future level of service within the District will be amended to coincide with the current cost of service.

A motion was made by Mayor Sandoval and seconded by Councilmember Lustro, to approve the formation of the Phillips Ranch Assessment District Oversight Committee and approve the proposed Bylaws of the Phillips Ranch Assessment District Oversight Committee. Motion carried by a vote of 5-2 with Councilmember's Preciado and Torres in opposition.

11. Award of a Professional Service Contract to Keyser Marston Associates for Affordable Housing Related Services in the Amount of \$67,035 with Authorization to Amend the Contract by up to 10% (\$6,704) if Necessary for Additional Related Services

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

- 1) Award a professional services contract to Keyser Marston Associates (KMA) in the amount of \$67,035 for affordable housing related consultant services; and
- 2) Authorize amending the contract by up to ten percent (10%) (\$6,704) of the original contract amount for unforeseen additional related work, if necessary; and
- 3) Authorize the City Manager to execute the contract and any necessary amendments up to the authorized ten percent (10%).

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to award a professional services contract to Keyser Marston Associates (KMA) in the amount of \$67,035 for affordable housing related consultant services; authorize amending the contract by up to ten percent (10%) (\$6,704) of the original contract amount for unforeseen additional related work, if necessary; and authorize the City Manager to execute the contract and any necessary amendments up to the authorized ten percent (10%) . Motion carried by a vote of 7-0.

- 12. Adjustment of Authorized Staffing Levels in the Fiscal 2019/20 Operating Budget by the Reclassification of the Housing Technician to the Housing Technician I/II Flexible Staffing Classification and the Reclassification of One (1) Senior Code Compliance Inspector position to Code Compliance Manager**

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

RESOLUTION NO. 2019-95 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDIX B OF THE MEMORANDUM OF UNDERSTANDING WITH THE POMONA CITY EMPLOYEES' CHAPTER OF THE TEAMSTERS LOCAL 1932 (PCEA/TEAMSTERS) AND AUTHORIZED STAFFING LEVELS IN THE FISCAL YEAR 2019/20 ADOPTED OPERATING BUDGET BY CHANGING THE TITLE OF HOUSING TECHNICIAN TO HOUSING TECHNICIAN II, ADDING THE CLASSIFICATION OF HOUSING TECHNICIAN I, AND RECLASSIFYING THREE HOUSING TECHNICIAN POSITIONS TO THE FLEXIBLE STAFFING CLASSIFICATION OF HOUSING TECHNICIAN I/II

RESOLUTION NO. 2019-96 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDIX A OF THE COMPENSATION PLAN FOR EXECUTIVE MANAGEMENT GROUP A AND B EMPLOYEES AND AUTHORIZED STAFFING LEVELS IN THE FISCAL YEAR 2019/20 ADOPTED OPERATING BUDGET BY ADDING THE CLASSIFICATION OF CODE COMPLIANCE MANAGER AND RECLASSIFYING THE SENIOR CODE COMPLIANCE INSPECTOR POSITION TO CODE COMPLIANCE MANAGER

RESOLUTION NO. 2019-97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA ADOPTING THE CITYWIDE SALARY SCHEDULE FOR FISCAL YEAR 2019/20 AND CREATING THE HOUSING TECHNICIAN SERIES AND ADDING CODE

COMPLIANCE MANAGER

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No.'s 2019-95, 2019-96 & 2019-97. Motion carried by a vote of 7-0.

13. Approval of Updated Hourly Rates for Legal Services Provided by Liebert Cassidy Whitmore and Removal of Rutan and Tucker from the Special Legal Counsel Panel

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

- 1) Approve adjustments to the hourly rates for Liebert Cassidy Whitmore (LCW); and
- 2) Delete the law firm of Rutan and Tucker from the Panel; and
- 3) Authorize the City Manager to execute retainer agreements and/or amendments with the approved firms as needed.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to approve adjustments to the hourly rates for Liebert Cassidy Whitmore (LCW); delete the law firm of Rutan and Tucker from the Panel; and authorize the City Manager to execute retainer agreements and/or amendments with the approved firms as needed. Motion carried by a vote of 7-0.

14. Resolution Amending the FY 2019-20 Police Department General Fund Budget by Carrying Forward and Re-Appropriating \$ 215,061 from FY 2018-19 Police Department General Fund Budget for the Purchase of Eight (8) 2019 Dodge Police Chargers

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

RESOLUTION NO. 2019-94 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA AMENDING THE FY 2019-20 POLICE DEPARTMENT GENERAL FUND BUDGET BY CARRYING FORWARD AND RE-APPROPRIATING \$ 215,061 FROM FY 2018-19 POLICE DEPARTMENT GENERAL FUND BUDGET FOR THE PURCHASE OF EIGHT (8) 2019 DODGE POLICE CHARGERS

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-94. Motion carried by a vote of 7-0.

15. Authorize the Use of the U.S. General Services Administration Cooperative Contract #GS07F072DA Awarded to U.S. Armor Corporation to Purchase Bulletproof Vest Body Armor in the Amount of \$55,510

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

- 1) Authorize the use of U.S. General Services Administration Cooperative contract

#GS07F072DA awarded to U.S. Armor Corporation for the purchase of bulletproof vests in the amount of \$55,510; and

2) Authorize the City Manager, or designee, to execute any and all agreements on behalf of the City.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to authorize the use of U.S. General Services Administration Cooperative contract #GS07F072DA awarded to U.S. Armor Corporation for the purchase of bulletproof vests in the amount of \$55,510 and authorize the City Manager, or designee, to execute any and all agreements on behalf of the City. Motion carried by a vote of 7-0.

16. Declaration of Ballot Tabulation Results for the Proposed Phillips Ranch Landscaping and Lighting Maintenance Assessment District

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

RESOLUTION NO. 2019-93 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DECLARING THE RESULTS OF THE BALLOT TABULATION FOR THE PROPOSED PHILLIPS RANCH LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, AND ABANDONING THE PROCEEDINGS TO FORM SUCH ASSESSMENT DISTRICT AND THE LEVY OF AN ANNUAL ASSESSMENT THEREIN

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-93. Motion carried by a vote of 7-0.

17. Status Update on Code Enforcement Cases for Recycling Facilities - Receive and File

It is recommended that the City Council review and receive and file the update on the code enforcement cases for recycling facilities.

Elinor Crescenzi thanked the City Council for following up on this issue and asked for further discussion by Council on the impacts of legal non-conforming businesses in high risk businesses and asked that Council move to amortize these type of businesses.

Deputy City Manager Mark Gluba gave an overview of the compliance or non-compliance of the businesses listed in the agenda staff report.

Councilmember Garcia stated her concerns on those businesses listed as non-compliant and how a quick resolution could occur.

City Council received and filed the update on the code enforcement cases for recycling facilities.

DISCUSSION CALENDAR

18. Finding of Public Benefit of the Community at Large: Recommended Expenditure and Recap of Funds

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

- 1) Approve the expenditure 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

A) Amount to be determined in support of Victory Outreach Pomona Valley – Requested Amount: \$1,000

B) Amount to be determined in support of Indigenous Peoples Day 2019 at Ganesha Park by Rumsen Ohlone Indigenous Embrace A – Requested Amount: \$2,000

C) Amount to be determined in support of dA Con Safos Car Show by the dA Center for the Arts – Requested Amount: \$1,750

D) Amount to be determined in support of NAACP for the 2nd Annual Poor People Campaign Pomona Style – Requested Amount: \$1,415

E) Amount to be determined in support of PUSD for the Garey High School Viking Music Program – Requested Amount: TBD

F) Amount to be determined in support of PUSD for the Pomona High Cheer Team – Requested Amount: \$2,000

G) Amount to be determined in support of City of Pomona's Teens for Tolerance Field Trip – Requested Amount: TBD

H) Amount to be determined in support City of Pomona for the LGBTQ+ Social – Requested Amount: \$230; and

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

Donna Otero & Dee Dee Ybarra requested the support of the Council for the 2019 Indigenous People's Day 2019 event to be held on October 12, 2019.

Margaret Aichele, representative from the dA Center for the Arts, requested funding for the 1st Annual Car Show.

A motion was made by Councilmember Ontiveros-Cole and seconded by Councilmember Garcia, to approve the Finding of Public Benefit of the Community at Large: Recommended Expenditure and Recap of Funds. Motion carried by a vote of 7-0.

19. Amendment of the FY 2019-20 Capital Improvement Program Budget by Closing Completed/Cancelled Projects and Re-Appropriating Unexpended Funds in the Amount of \$715,614 or a Lesser Amount

It is recommended that the City Council adopt either of the two following resolutions:

RESOLUTION NO. 2019-91 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CLOSING COMPLETED/CANCELLED PROJECTS AND RE-APPROPRIATING \$715,614 IN UNEXPENDED FUNDS

OR

RESOLUTION NO. 2019-98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CLOSING COMPLETED/CANCELLED PROJECTS AND RE-APPROPRIATING \$660,318 OF UNEXPENDED FUNDS

Public Works Director Guerrero gave a brief overview on Item No. 19 and explained the two alternatives listed in the staff report for Council consideration.

Deborah Clifford requested that funds be placed back into the City's budget for repairs to historic places within the City.

After Council discussion, a motion was made by Mayor Sandoval and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-98. Motion carried by a vote of 7-0.

20. Recommendation from Historic Preservation Commission to Amend the Historic Preservation Ordinance

It is recommended that the City Council review the memorandum and direct staff on whether or not to prepare a code amendment to Section .5809-13 (Historic Preservation) of the Pomona Zoning Code to change the criteria year for structures requiring a certificate of appropriateness prior to demolition, from "Pre-1945" to "50 years to older."

Development Services Director Gutierrez gave a presentation on Item No. 20.

The following individuals were in support of Item No. 20:

Jennifer Williams
Ann Tomkins
Ion Puschila
Ron Vander Molen
Deborah Clifford (Did not speak.)
Lorena Gonzalez (Did not speak.)
Debra Martin (Did not speak.)

After Council discussion, the City Council directed staff to move forward with a code amendment to Section .5809-13 (Historic Preservation) of the Pomona Zoning Code to change the criteria year for structures requiring a certificate of appropriateness prior to demolition, from "Pre-1945" to "50 years to older."

21. First Reading of an Ordinance Amending Sections of Chapter 62 of the City Code Pertaining to Certain Water Service Fees and Adoption of a Resolution Establishing a Water and Wastewater/Sewer Funds Reserve Policy

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

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

ORDINANCE NO. 4266 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING CERTAIN SECTIONS OF CHAPTER 62 OF THE POMONA CITY CODE THAT ARE OBSOLETE PERTAINING TO SETTING WATER USER FEES AND SPECIAL ZONE CHARGES; and

- 2) Adopt the following resolution:

RESOLUTION NO. 2019-99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING FUND BALANCE RESERVES FOR THE WATR AND WASTEWATER/SEWER UTILITIES FUNDS

Water Resources Director Darron Poulsen gave a presentation on Item No. 22.

Elinor Crescenzi spoke on her concerns regarding Item No. 22.

A motion was made by Mayor Sandoval and seconded by Councilmember Gonzalez, to introduce and waive further reading of Ordinance No. 4266 and adopt Resolution No. 2019-99. Motion carried by a vote of 7-0.

22. Update and Direction Relating to the Water Resources Administration and Operations Facility and the City Stable

It is recommended that the City Council take one of the three actions or provide

alternative actions:

Option 1. Direct staff to incorporate the historic City Stable building design into the “Water Resources Administration and Operations Facility” Capital Improvement Project 575-8125-xxxxx-93135 within available construction funding and insurance proceeds from “City Stable Facility” Capital Improvement Project (428-2590-xxxxx-71054) while taking necessary steps to secure the National Historic Landmark status of the City Stable.

OR

Option 2. Direct staff to proceed with “Water Resources Administration and Operations Facility” Capital Improvement Project (575-8125-xxxxx-93135) as currently designed and direct the Historical Preservation Commission to reconsider recommended use of Stable insurance proceeds as funded in the “City Stable Facility” Capital Improvement Project (428-2590-xxxxx-71054) for historical asset preservation pending demolition of the Stable.

OR

Option 3. Direct staff to find other alternative outcome for the Stable reconstruction using insurance proceeds as funded in “City Stable Facility” Capital Improvement Project (428-2590-xxxxx-71054) and use other resources besides Water and Sewer Funds.

Water Resources Director Poulsen gave a presentation on Item No. 22.

The following individuals were in support of Option No. 1 to Item No. 22:

Guillermo Gonzalez
Tamara Gonzalez
Lorena Gonzalez
Ann Tomkins
John Mendoza
Jim Gallivan
James Kercheval
Deborah Clifford
Ron Vander Molen
John Clifford
Jennifer Williams (Did not speak.)
Debra Martin (Did not speak.)

After discussion among Council and staff, a motion was made by Mayor Sandoval and seconded by Councilmember Ontiveros-Cole, to direct staff to go with Option 1 which is to incorporate the historic City Stable building design into the “Water Resources Administration and Operations Facility” Capital

Improvement Project 575-8125-xxxxx-93135 within available construction funding and insurance proceeds from “City Stable Facility” Capital Improvement Project (428-2590-xxxxx-71054) while taking necessary steps to secure the National Historic Landmark status of the City Stable. Motion carried by a vote of 7-0.

PUBLIC HEARINGS

- 23.** Public Hearing regarding the Levy of Fiscal Year 2019-20 Assessments for the Consolidated City Wide Street Lighting and Landscaping Maintenance District
It is recommended that the City Council take the following actions:

- 1) Conduct a Public Hearing regarding the levy of assessments for the Consolidated Citywide Lighting and Landscaping Maintenance District FY 2019-20; and
- 2) After receiving public comments and testimony, conclude the Public Hearing and adopt the following resolution:

RESOLUTION NO. 2019-90 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, CONFIRMING THE ASSESSMENT DISTRICT DIAGRAM, ZONE BOUNDARIES, AND THE LEVY OF FISCAL YEAR 2019-20 ASSESSMENTS FOR THE CONSOLIDATED CITYWIDE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT

Item No. 23 was discussed and voted on by Council after Item No. 25.

Public Works Director Guerrero gave presentation on item.

A motion was made by Councilmember Garcia and seconded by Councilmember Torres to open the Public Hearing.

A motion was made by Councilmember Ontiveros-Cole and seconded by Councilmember Preciado to close the Public Hearing after no one from the public wished to speak.

A motion was made by Councilmember Torres and seconded by Councilmember Garcia, to adopt Resolution No. 2019-90. Motion carried by a vote of 7-0.

- 24.** Introduction and First Reading of an Ordinance Adopting a Change of Zone (ZONE 11492-2019) for a Property Located at 261 S. Caswell Street

It is recommended that the City Council open the public hearing and after receiving testimony and public comment, close the public hearing and introduce and waive further reading of the following ordinance:

ORDINANCE NO. 4264 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A CHANGE OF ZONE (ZONE 11492-2019) TO CHANGE THE ZONE FROM M-1 (LIGHT INDUSTRIAL) TO R-1-6,000 (SINGLE FAMILY RESIDENTIAL) FOR A PROPERTY LOCATED AT 261 S. CASWELL STREET

Item No. 24 was discussed and voted on by Council after Item No. 26.

Development Services Director Gutierrez introduced the item to Council.

Planning staff member Lynda Lara gave the PowerPoint presentation on item.

A motion was made by Councilmember Preciado and seconded by Councilmember Garcia to open the Public Hearing.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole to close the Public Hearing after no one from the public wished to speak.

After discussion between Council and staff, a motion was made by Councilmember Preciado and seconded by Councilmember Lustro, to introduce and waive further reading of Ordinance No. 4264. Motion carried by a vote of 7-0.

- 25.** Introduction and First Reading of a Comprehensive Update to the Downtown Pomona Specific Plan (SPA 6409-2016) and Related Updates to the Pomona Corridors Specific Plan (SPA 12106-2019) and Pomona Zoning Ordinance (ZONE 12104-2019)

It is recommended that the City Council open the public hearing and after receiving testimony and public comment, close the public hearing and introduce and waive further reading the following ordinance:

ORDINANCE NO. 4267 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA APPROVING A COMPREHENSIVE UPDATE TO THE DOWNTOWN POMONA SPECIFIC PLAN (SPA 6409-2016) AND RELATED UPDATES TO THE POMONA CORRIDORS SPECIFIC PLAN (SPA 12106-2019) AND POMONA ZONING ORDINANCE (ZONE 12104-2019)

Development Services Director Gutierrez and Senior Planner Ata Khan gave a PowerPoint presentation on item.

A motion was made by Councilmember Torres and seconded by Councilmember Garcia to open the Public Hearing.

Elinor Crescenzi thanked the Planning Department for their work on the update to the Downtown Pomona Specific Plan and asked to have urban farming and agriculture included in the Plan.

A motion was made by Councilmember Preciado and seconded by Councilmember Garcia to close the Public Hearing after no one from the public wished to speak.

After discussion between Council and staff, a motion was made by Councilmember Preciado and seconded by Councilmember Ontiveros-Cole, to introduce and waive further reading of Ordinance No. 4267. Motion carried by a vote of 7-0.

- 26. Introduction and First Reading of an Ordinance Amending Pomona City Code Section 58-164 to Disallow Temporary Parking at Red Curbs While Loading or Unloading Merchandise or Passengers**

It is recommended that the City Council introduce and give first reading to the following ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTION 58-164 OF THE POMONA CITY CODE TO PERTAINING TO EXCEPTIONS FOR PARKING AND STOPPING AT RED CURB ZONES AND AREAS

A motion was made by Mayor Sandoval and seconded by Councilmember Torres to move Item No. 26 from a Public Hearing Item to a Discussion Item. Item No. 26 was discussed and voted on by Council after Item No. 22. Motion carried by a vote of 7-0.

Public Works Director Guerrero gave a brief presentation on Item No. 26.

A motion was made by Mayor Sandoval and seconded by Councilmember Garcia, to introduce and give first reading of an ordinance amending Section 58-164 of the Pomona City Code pertaining to exceptions for parking and stopping at red curb zones and areas. Motion carried by a vote of 7-0.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Mayor Sandoval requested that the sidewalk vending ordinance be brought forth for Council consideration and spoke on the July 29, 2019 Special Meeting where the Draft Fairplex Agreement would be discussed and considered by Council.

Councilmember Garcia asked for an update on housing units within the City not in compliance.

ADJOURNMENT

The City Council meeting was adjourned at 11:44 p.m. on Monday, July 15, 2019.

Respectfully submitted,

ATTEST:

ROSALIA A. BUTLER, MMC
City Clerk/Secretary of the Pomona
Housing Authority/Successor Agency to the
to the Redevelopment Agency

TIM SANDOVAL
Mayor/Chair of the Pomona
Housing Authority/Successor Agency
Redevelopment Agency