



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, September 16, 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))

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

Tommy Singleton, et al. v. City of Pomona
L.A. County Superior Court; Case No. BC16169699

Saul Hernandez v. City of Pomona
L.A. County Superior Court; Case No. BC678129

David Espinoza v. City of Pomona; WCAB Cases ADJ10119325, ADJ10156851 and ADJ11082568

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

City Manager

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

Labor Negotiators: Linda Lowry and Linda Matthews

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Sonia Carvalho reported that the City Council had convened into Closed Session at 5:30 p.m. with Vice-Mayor Preciado calling the Closed Session meeting to order. Councilmembers Lustro, Ontiveros-Cole, Preciado and Garcia were present at 5:30 p.m. Mayor Sandoval attended the meeting via telephone conference from Western Heritage Inn – Travel Lodge by Wyndham Bozeman located at 1200 E. Main Street, Bozeman, MT 59715. Councilmembers Gonzalez and Torres arrived to the meeting at 5:40 p.m. City Attorney Carvalho reported that Council discussed Item's A & B but no reportable action was taken. She also reported that a brief update was given to Council on Item C.

7:00 P.M. Council Chambers

CALL TO ORDER

Vice-Mayor Preciado called the City Council Meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

A member of the public led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Tim Sandoval (*Participated in the Council meeting via teleconference from Western Heritage Inn – Travel Lodge by Wyndham Bozeman located at 1200 E. Main Street, Bozeman, MT 59715.*)
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
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
Genoveva Rocha, Deputy City Clerk

PRESENTATIONS

- A. Recognition in Honor of the Pomona Youth Orchestra for 10 Years of Music, Culture, and Service to the Pomona Community
- B. Certificate of Recognition to Pomona Veteran(s)
- C. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming October 2, 2019 as “Clean Air Day” in the City of Pomona

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Gonzalez reported that the City of Pomona participated in the TV show “Extreme Make Over – Home Edition.” He also spoke on his attendance to the Vietnamese Children’s Festival and to the National Association of Latino Elected Officials (NALEO) Emergency Response Seminar held in Long Beach.

Councilmember Lustro shared that he had attended the celebration of life of former Pomona Mayor Chuck Bader at the Sheraton Fairplex.

Councilmember Ontiveros-Cole spoke on her attendance to the Vietnamese Children’s Festival and also shared that a new food bank would be opening at 288 E. Holt Avenue which will be operated by business owner Alan Espinoza and also new business of the Family Dollar Store next door would be opening soon. Councilmember Ontiveros-Cole also expressed that a new restaurant would also be opening soon within the City. She also announced that on September 30th the Police Department would be hosting a Crime Prevention Workshop for City business owners.

Councilmember Torres spoke on the positive impact that the newly installed speed radar detectors on White and Fairplex Drive have had in controlling speed limits and added that he would like to implement these detectors in other areas of his district. Councilmember Torres also shared that California legislators recently passed a rent control law and also spoke on the banning of e-cigarettes in New York and urged the public not smoke e-

cigarettes because of all the health issues they promote. He also spoke on the issue of cannabis zones within the City of Pomona residents and business owners to continue to voice their opinions and add their feedback regarding this issue.

Councilmember Garcia shared that she also attended the memorial service for former Pomona Mayor Chuck Bader and extended condolences to the family on behalf of the City. She also reminded the public that the last summer concert would be taking place at Civic Center Plaza at 7:00 p.m. on September 21, 2019. Councilmember Garcia also shared that the community survey for the City Manager position was now available for the public to complete and that the next District 3 Community Meeting would be held at Renacimiento Community Center on October 9, 2019 at 6:30 p.m.

Vice-Mayor Preciado invited the public to the District 2 Community Meeting at the Lexington Cafeteria at 6:00 p.m. on September 17, 2019. He also thanked the dA Center for the Arts and Mike Suarez for their work on the car show and also for their input on the next mural to be located on Second and Main. Vice-Mayor Preciado also thanked the Hispanic Chamber of Commerce for their Latin American Independence Day events.

Councilmember Ontiveros-Cole added that the Mount View Community Meeting would be taking place on September 18, 2019 at 6:30 p.m.

Mayor Sandoval had no comments.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry shared that on October 10, 2019 and October 11, 2019, Union Pacific's "Big Boy" locomotive would be coming into the City's transit center for public viewing and that the transit center bridge renovation would be complete before the event took place. She also stated that City staff would be distributing the Impact Fee Request for Proposal to Council for their review and that the City Attorney would be presenting at the October 7, 2019 Council meeting a presentation on the Impact Fee process.

Vice-Mayor Preciado recognized Three Valleys Water Board Member John Mendoza, Pomona Unified School Board Member Frank Guzman and thanked all City Commissioners who were in attendance during the Council meeting.

PUBLIC PARTICIPATION

Frank Guzman invited the public to the Pomona Pride Center Kick Off event held on October 5, 2019 from 5:00 p.m. to 9:00 p.m. at 242 E. Alvarado Street and also shared that that the Center was working in collaboration with the Fairplex to organize Pomona's 1st Pride Festival in 2020.

Seth Ahn, representative from the Gracias Music Foundation, shared that his Foundation

would be hosting a Christmas Cantata on Sunday, September 29, 2019 at the Terrace Theater in Long Beach.

Marianne Cintron, Founder of Step by Step Dyslexia Solutions, spoke on the National Dyslexia Awareness Month celebration to be held at the dA Center for the Arts on October 19, 2019 from 10 a.m. to 2:00 p.m. and requested a donation through the City's Finding of Public Benefit.

Angela Alonzo, resident of the City of Pomona, spoke on the cutting down of an oak tree at 1598 S. Reservoir Street and asked for assistance in preventing future trees from being cut down by developers.

Nita Watson, promoted her business called The Self Care Lab Boxing & Fitness Club located at 273 S. Park Avenue, Pomona.

Stefano Koswides, representative from Mr. D's Diner, requested an extension to his current property for a future cannabis business.

Elinor Crescenzi, shared her concerns on the sidewalk vending issue and policies that could assist with these concerns.

Miranda Sheffield, asked about the findings on the Christian Aguilar case and spoke on social equity and cannabis.

Erin Runions, spoke on the need for police oversight.

Javier Flora, spoke on police misconduct.

Mike Suarez, shared that police oversight was needed in the City.

Jerold Hoffman, spoke on the need for police oversight.

Jim Sanbrano, expressed that a police oversight commission was needed.

Ben Wood, shared that police oversight was needed.

Jesus Sanchez, spoke on the need for police oversight.

Darlene Johnson did not speak during Public Participation but did submit a speaker card asking why a certain percentage of residents were needed in order to have street sweeping signs posted indicating street sweeping days.

CONSENT CALENDAR

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to approve the Consent Calendar except for Item No.'s 2, 8, 9, & 14 which were pulled for discussion and voted on separately. Motion carried by a vote of 7-0.

1. Amend the FY 2019-20 Operational Budget by Appropriating \$120,000 of Available Measure M Funds and Approve the Purchase of Three Replacement Vehicles for the Public Works Department in an Amount Not-to-Exceed \$120,000 from National Auto Fleet Group

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-122 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 OPERATIONAL BUDGET BY APPROPRIATING \$120,000 FROM AVAILABLE MEASURE M FUNDS TO PRUCHASE THREE REPLACEMENT VEHICLES

- 2) Authorize the use of Sourcewell Contract #120716-NAF awarded to National Auto Fleet Group in the amount not-to-exceed \$120,000 for three replacement vehicles.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-122 and authorize the use of Sourcewell Contract #120716-NAF awarded to National Auto Fleet Group in the amount not-to-exceed \$120,000 for three replacement vehicles. Motion carried by a vote of 7-0.

2. Award a Sole Source Contract to Tri City Mental Health (Tri City) for Subrecipient Services related to the Measure H Funded City Planning and Homeless Program Implementation of the Tri-Cities Cohort Project, for an Amount Not-to-Exceed \$771,270

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

- 1) Award a sole source contract to Tri City Mental Health (Tri City) for subrecipient services related to the Measure H funded City Planning and Homeless Program implementation of the Tri-Cities Cohort project for an amount not-to-exceed \$771,270; and
- 2) Authorize the City Manager to execute the contract award, subject to approval as to form by the City Attorney.

Ann Tomkins shared her concern on the lack of grant funding for more shelter beds and also her concerns on neighboring cities sending their homeless over to the City of Pomona.

Jed Leano, City of Claremont Councilmember, thanked the City of Pomona and City of La Verne on this Tri-Cities Cohort project and Measure H funding.

Benita DeFrank, Neighborhood Services Director, explained how the funding of this particular grant would be distributed to assist with the issue of homelessness within the City of Pomona and also neighboring cities of Claremont and La Verne.

Councilmember Gonzalez thanked all those involved with bringing these Measure H funds to the City.

Councilmember Torres thanked staff for the work being done on the issue of homelessness within the City of Pomona and neighboring cities.

A motion was made by Councilmember Torres and seconded by Councilmember Ontiveros-Cole, to award a sole source contract to Tri City Mental Health (Tri City) for subrecipient services related to the Measure H funded City Planning and Homeless Program implementation of the Tri-Cities Cohort project for an amount not-to-exceed \$771,270; and authorize the City Manager to execute the contract award, subject to approval as to form by the City Attorney. Motion carried by a vote of 7-0.

3. Award of a Sole Source Contract to LeSar Development Consultants for Professional Services related to the awarded City Planning and Homeless Program Grant, Priority Area 1, for an Amount Not-to-Exceed \$267,750, over an 18-Month Period.

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

- 1) Award a sole source contract to LeSar Development Consultants (LeSar) for professional services related to the awarded City Planning and Homeless Program Grant, Priority Area 1, for an amount not-to-exceed \$267,750, over an 18-month period; and
- 2) Authorize the City Manager to execute the contract award, subject to approval as to form by the City Attorney.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to award a sole source contract to LeSar Development Consultants (LeSar) for professional services related to the awarded City Planning and Homeless Program Grant, Priority Area 1, for an amount not-to-exceed \$267,750, over an 18-month period; and authorize the City Manager to execute the contract award, subject to approval as to form by the City Attorney. Motion carried by a vote of 7-0.

4. Approving 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 (PEOC) for Fiscal Year 2019-2020 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.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to approve funding for the Pomona Economic Opportunity (PEOC) for Fiscal Year 2019-2020 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. Motion carried by a vote of 7-0.

5. Amendment of the FY 2019-20 Capital Improvement Program (CIP) Budget to Create a New CIP Project "Traffic Calming Improvements - Speed Radar Feedback Signs," Project No. 428-2590-XXXXX-68566, and Appropriate \$19,500 from District 5 CIP Carryover Discretionary Fund Balances to the New Project

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

RESOLUTION NO. 2019-151 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO CREATE A NEW CIP PROJECT, "TRAFFIC CALMING IMPROVEMENTS - SPEED RADAR FEEDBACK SIGNS," PROJECT NO. 428-2590-XXXXX-68566, AND APPROPRIATE \$19,500 FROM DISTRICT 5 CIP CARRYOVER DISCRETIONARY FUND BALANCES TO THE NEW PROJECT

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-151. Motion carried by a vote of 7-0.

6. Acceptance of the State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant in the Amount of \$450,000 and Approval of a Budget Amendment Resolution to Appropriate Said Funds in the FY 2019-20 Operating Budget

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-144 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$450,000 AND APPROPRIATING SAID FUNDS IN THE FY 2019-20 OPERATING

BUDGET

- 2) Accepting the State of California's Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant and agreeing to the terms and conditions of the Grant Agreement;
- 3) Amending the FY 2019-20 Police Department expenditures and revenues for grant funds to receive and appropriate \$450,000 for the OTS Grant; and
- 4) 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.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-144 along with approving recommendation items 2-4. Motion carried by a vote of 7-0.

7. Acceptance of the State of California Office of Traffic Safety (OTS) Child Passenger Safety Program Grant in the Amount Of \$154,000, and Authorizing the Award of Contract to SafetyBeltSafe, U.S.A. in the Amount Not-to-Exceed \$128,514, and an Approval of a Budget Amendment Resolution to Appropriate Said Funds in the FY 2019-20 Operating Budget

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-143 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) CHILD PASSENGER SAFETY PROGRAM GRANT IN THE AMOUNT OF \$154,000, AND APPROPRIATING SAID FUNDS IN THE FY 2019-20 OPERATING BUDGET

- 2) Amending the FY 2019-20 Police Department expenditures and revenues for grant funds to receive and appropriate \$154,000 for the OTS Grant; and
- 3) Authorizing the sole source award of contract to SafetyBeltSafe, U.S.A. for services to be provided in the amount not-to-exceed \$128,514; and
- 4) 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.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-143 along with approving recommendation items 2-4. Motion carried by a vote of 7-0.

8. Authorize the Purchase of Seven (7) New Replacement Police Vehicles Utilizing Unspent/Carryover Supplemental Law Enforcement Services Account (SLESA) Funds Received from the State of California in the Amount of \$243,324

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

- 1) Authorize the purchase of seven (7) new replacement police vehicles with unspent/carry over FY 2018-19 SLESA Funds (281-2090-66182-58690) received from the State of California in the amount of \$243,324; and
- 2) Award the purchase to National Auto Fleet Group in an amount not-to-exceed \$243,324.

Elinor Crecenzi asked if it was a priority that all vehicles be replaced and if funds could be used elsewhere to meet some of the goals of the community.

Chief Mike Olivieri explained that the funds received are from the State and can only be used for front line law enforcement equipment.

A motion was made by Councilmember Gonzalez and seconded by Councilmember Ontiveros-Cole, to authorize the purchase of seven (7) new replacement police vehicles with unspent/carry over FY 2018-19 SLESA Funds (281-2090-66182-58690) received from the State of California in the amount of \$243,324; and award the purchase to National Auto Fleet Group in an amount not-to-exceed \$243,324. Motion carried by a vote of 7-0.

9. Award an Extension of the Existing Agreement with MCE Corporation for Nine Months for \$1,032,187 for Landscape and Park Amenity Maintenance and Additional Related Services

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

- 1) Approve a nine-month extension of the existing agreement with MCE Corporation including a Consumer Price Index increase of 3.3 percent, bringing the total amount of the contract to \$1,032,187 for landscape and park amenity maintenance and additional related services; and
- 2) Authorize the City Manager, or her designee, to execute the extension to the agreement on behalf of the City, subject to review by the City Attorney.

Councilmembers Gonzalez and Torres pulled Item No. 9 for further discussion.

Councilmember Torres asked if there were adjustments made to the contract that would affect the park in Ganesha Hills.

Public Works Director Rene Guerrero stated that no full-fledged adjustments had been

made and reminded the Council that the current recommendation was to extend the current agreement only.

Councilmember Torres asked if trees not part of the maintenance contract are part of this particular contract for future maintenance.

Public Works Director Guerrero stated this particular contract did not include these trees because they were handled by another contract.

Councilmember Gonzalez asked about an update on the ad-hoc committee.

Councilmember Garcia shared that proper planning needed to be done in order to make this contract in-house.

Councilmember Ontiveros-Cole shared her concerns regarding extending the agreement with MCE Corporation.

Councilmember Lustro expressed his concerns with the extension of the agreement with MCE Corporation.

Vice-Mayor Preciado explained that MCE Corporation could provide feedback to the City Council regarding various concerns expressed by the Council and public.

A motion was made by Councilmember Torres and seconded by Councilmember Garcia, to approve a nine-month extension of the existing agreement with MCE Corporation including a Consumer Price Index increase of 3.3 percent, bringing the total amount of the contract to \$1,032,187 for landscape and park amenity maintenance and additional related services; and authorize the City Manager, or her designee, to execute the extension to the agreement on behalf of the City, subject to review by the City Attorney. Motion carried by a vote of 7-0.

10. Approval of Memorandum of Understanding between the City of Pomona and the Pomona City Employees' Chapter of the Teamsters Local 1932 from October 1, 2019 through September 30, 2021

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

RESOLUTION NO. 2019-136 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, APPROVING A TWO (2) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA CITY EMPLOYEES' CHAPTER OF THE TEAMSTERS LOCAL 1932 FROM OCTOBER 1, 2019 THROUGH SEPTMEBER 30, 2021

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-136. Motion carried by a vote of 7-0.

11. 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 Meeting Minutes:

January 28, 2019 Meeting Minutes

August 5, 2019 Meeting Minutes

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to approve the January 28, 2019 and August 5, 2019 Meeting Minutes. Motion carried by a vote of 7-0.

12. Approval of Memorandum of Understanding between the City of Pomona and the Pomona Mid-Management/Confidential Employees' Association from October 1, 2019 through September 30, 2021

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

RESOLUTION NO. 2019-137 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, APPROVING A TWO (2) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA MID-MANAGEMENT/CONFIDENTIAL EMPLOYEES' ASSOCIATION FROM OCTOBER 1, 2019 THROUGH SEPTMEBER 30, 2021

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-137. Motion carried by a vote of 7-0.

13. Implementation of Certain Changes in Positions, Authorized Staffing Levels, and Related Budget Appropriations in the City Attorney's Office, Finance, Human Resources, and Police Departments

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

RESOLUTION NO. 2019-153 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDIX B OF THE MEMORANDUM OF UNDERSTANDING WITH THE POMONA MID-MANAGERS/CONFIDENTIAL EMPLOYEES' ASSOCIATION (PMMCEA) BY ADDING THE CLASSIFICATION OF BUYER

RESOLUTION NO. 2019-154 - 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 BY INCREASING THE SALARY SCALE FOR COMMUNITY SERVICES MANAGER

RESOLUTION NO. 2019-155 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING AUTHORIZED STAFFING LEVELS AND BUDGET APPROPRIATIONS RELATED TO STAFFING CHANGES IN THE CITY ATTORNEY, HUMAN RESOURCES, FINANCE AND POLICE DEPARMTENTS

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No.'s 2019-153, 2019-154 & 2019-155. Motion carried by a vote of 7-0.

- 14.** Second Reading and Adoption of Ordinance No. 4268 and Code Amendment No. 12173-2019, Amending the Pomona Zoning Ordinance Pertaining to Legal Nonconforming Waste & Recycling Uses

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

ORDINANCE NO. 4268 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS .554.B. AND .554.C. OF THE CITY OF POMONA ZONING ORDINANCE TO MODIFY THE LENGTH OF TIME A LEGAL NONCONFORMING WASTE & RECYCLING USE CAN BE DISCONTINUED BEFORE THE USE IS PERMANENTLY TERMINATED, FROM TWO YEARS TO 180 DAYS

Erin Runions submitted a speaker card but did not speak. Ms. Runions indicated her support for Item No. 14 on her speaker card.

A motion was made by Councilmember Garcia and seconded by Councilmember Lustro, to adopt Ordinance No. 4268. Motion carried by a vote of 7-0.

- 15.** Second Reading and Adoption of Ordinance Adopting a Code Amendment to the City of Pomona Zoning Ordinance (PZ) for the Purpose of Regulating Accessory Dwelling Units in Accordance with State Law

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

ORDINANCE NO. 4269 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, APPROVING CODE AMENDMENT (CODE 12324-2019) ADDING SECTION .5809-26 TO THE CITY OF POMONA ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS, AMENDING SECTION .580 CONDITIONAL USE PERMITS, .5809-13 AND SECTION .560 OF THE POMONA ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS, DELETING "SECOND UNIT HOUSING" FROM SECTION .062 OF THE CITY OF POMONA ZONING ORDINANCE, AND DELETING SECTION .503-H(C)(4) FROM THE CITY OF POMONA ZONING ORDINANCE

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Ordinance No. 4269. Motion carried by a vote of 7-0.

DISCUSSION CALENDAR

16. Finding of Public Benefit to the Community at Large: Recommended Expenditure(s) and Recap of Funds

It is recommended that the City Council take the following action(s):

- 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; and

A) Amount to be determined to Kennedy Austin Foundation in support of their Mental Health Workshop, Courage Awards, and Annual Toy Drive – Requested Amount: \$1,000

B) Amount to be determined to Step By Step Dyslexia Solutions in support of a free movie/Dyslexia simulation event – Requested Amount: \$1,025

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

A motion was made by Councilmember Garcia and seconded by Councilmember Torres, to approve the recommended expenditure(s) and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended items; and receive and file the recap of final amounts for previously approved projects/activities. Motion carried by a vote of 7-0.

17. Discussion of Regulations Pertaining to Shopping Carts and Current Practice

It is recommended that the City Council review and discuss the City Code Sections regulating shopping carts and current practices, and provide staff direction on any desired changes to the regulations and/or practices.

Public Works Director Guerrero gave a presentation on Item No. 17.

After discussion between the City Council and staff, the City Council gave staff direction to moved forward with a new development standard (Code amendment) requiring wheel locking system to shopping carts on premises for new and existing businesses and also holding existing businesses accountable by initiating an outreach campaign with businesses with shopping carts to submit an Abandoned Cart Prevention Plan.

18. Designate a Voting Delegate and Alternate(s) for the 2019 League of California Cities Annual Conference

It is recommended that the City Council designate a voting delegate and voting alternate(s) for the 2019 League of California Cities Annual Conference scheduled to take place October 16-18, in Long Beach; and direct Staff to complete the Voting Delegate Form to be mailed to the League's Sacramento office.

City Manager Linda Lowry gave a brief overview on Item No. 18.

After Council discussion, a motion was made by Councilmember Garcia and seconded by Mayor Sandoval, to designate Vice-Mayor Preciado as the delegate and Mayor Sandoval as the alternate for the 2019 League of California Cities Annual Conference. Motion carried by a vote of 7-0.

19. Amendment of Compensation Plans for Executive Group A and B Employees, Mid-Management Library Group C-2 Employees, and Part-Time Management/Confidential Employees

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

RESOLUTION NO. 2019-139 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE COMPENSATION PLAN FOR EXECUTIVE GROUP A AND B EMPLOYEES

RESOLUTION NO. 2019-140 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE COMPENSATION PLAN FOR MID-MANAGEMENT LIBRARY GROUP C-2 EMPLOYEES

RESOLUTION NO. 2019-141 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE PART-TIME MANAGEMENT/CONFIDENTIAL COMPENSATION PLAN

Human Resources Director Linda Matthews gave a presentation on Item No. 19.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No.'s 2019-139, 2019-140 & 2019-141. Motion carried by a vote of 7-0.

PUBLIC HEARING

20. Public Hearing on Establishing New Rate Structures for Water and Recycled Water Fees and Services Charges and Increasing Sewer Charges; also Approving New Fees and Charges for Temporary Construction Meter Water Usage and Approving Rates for Recycled Water for Re-Sale to Users Outside the Area Served by the City

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

- 1) Open the public hearing on establishing new fee schedules for water, sewer service and recycled water, temporary construction meter water fees, and recycled water rates for sale to users outside of the area served by the City; and
- 2) After receiving public comments and testimony, and considering any written protests received, conclude the public hearing and adopt the following resolutions:

RESOLUTION NO. 2019-127 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, CHANGING THE FEE STRUCTURE WATER AND RECYCLED WATER USAGE AND SERVICE FEES AND INCREASING SEWER FEES OVER A PERIOD OF FIVE YEARS

RESOLUTION NO. 2019-128 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING NEW WATER RATES FOR TEMPORARY CONSTRUCTION METER WATER USAGE AND WHOLESALE RECYCLED WATER SERVICE

Water Services Director Darron Poulsen and Water Resources Manager Chris Diggs gave a presentation on Item No. 20.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to open the Public Hearing. Motion carried by a vote of 7-0.

Elinor Crecenzi spoke on her concern regarding the impact of the new water rates on low income residents.

Ann Tomkins expressed her concern with how the new water rates would affect Pomona residents.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole to close the Public Hearing. Motion carried by a vote of 7-0.

Water Department staff addressed the various concerns of the speakers and City Council after the closing of the Public Hearing.

A motion was made by Councilmember Lustro and seconded by Councilmember Gonzalez to adopt Resolution No.'s 2019-127 & 2019-128. Motion carried by a vote of 7-0.

21. Amendment of the Consolidated Plan, the Fiscal Year (FY) 2019-2020 Annual Action Plan, and the FY 2019-2020 City Operating Budget by Increasing Revenue Estimates and Appropriations in Home Investment Partnership Act (HOME) Program, Community Development Block Grant Program, Lead Hazard Control and Healthy Homes Program, CalHome Program Re-Use Account, Section 8 Housing Choice Voucher Program,

Tri-City Mental Health Center and Housing Authority Admin Funds

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

RESOLUTION NO. 2019-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CONSOLIDATED PLAN, THE FISCAL YEAR (FY) 2019-2020 ANNUAL ACTION PLAN AND THE FY 2019-2020 CITY OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS IN HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAM, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, LEAD HAZARD CONTROL AND HEALTHY HOMES PROGRAM, CALHOME PROGRAM RE-USE ACCOUNT, SECTION 8 HOUSING CHOICE VOUCHER PROGRAM, TRI-CITY MENTAL HEALTH CENTER AND HOUSING AUTHORITY ADMIN FUNDS

Neighborhood Services Director DeFrank gave a presentation on Item No. 21.

A motion was made by Councilmember Gonzalez and seconded by Councilmember Garcia to open the Public Hearing. Motion carried by a vote of 7-0.

After no speakers wishing to comment, a motion was made by Councilmember Garcia and seconded by Councilmember Lustro to close the Public Hearing. Motion carried by a vote of 7-0.

A motion was made by Mayor Sandoval and seconded by Councilmember Gonzalez to adopt Resolution No. 2019-119. Motion carried by a vote of 7-0.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Ontiveros-Cole requested to have more Christmas lights and decorations for the upcoming holiday season Christmas tree lighting event at City Hall.

Vice-Mayor Preciado requested to have staff look into the removal of trees within the City and also asked for the penalties regarding the illegal removal of trees.

ADJOURNMENT

The City Council meeting was adjourned at 10:13 p.m. on Monday, September 16, 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