



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, December 16, 2019

7:00 PM

Council Chambers

5:30 P.M. City Council Conference Room

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – PENDING 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

Ruth Flores v. City of Pomona
L.A. County Superior Court Case; Case No. BC 700151

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

City Manager

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code Section 54956.9(d)(2))

Five (5) matters regarding exposure to litigation will be discussed.

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

Part Time General Employees Unit
Unrepresented Group A and B Employees
Pomona City Employees' Association, a Chapter of Teamsters Local 1932
Pomona Mid-Management Confidential Employees Association (PMMCEA)

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 with Mayor Sandoval calling the Closed Session meeting to order. Councilmembers Lustro, Ontiveros-Cole, Preciado, Gonzalez and Garcia were present and Councilmember Torres was absent. City Attorney Carvalho reported that Council did not discuss the *Inland Valley Humane Society v. City of Pomona* matter under Item A – Conference with Legal Counsel – Pending Litigation and also did not discuss the matter under Item D – Conference with Labor Negotiators. City Attorney Carvalho also reported that by a unanimous vote by Council, with Councilmember Torres absent, City Council voted to add three (3) matters of potential litigation to the agenda to be discussed during Closed Session.

7:00 P.M. Council Chambers

CALL TO ORDER

Mayor Sandoval called the City Council Meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The JROTC Color Guard from Garey High School along with Military Veteran Jeff Hodges led the Pledge of Allegiance.

ROLL CALL

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

Councilmember Elizabeth Ontiveros-Cole
Councilmember Robert Torres

STAFF PRESENT

Linda Lowry, City Manager
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
Genoveva Rocha, Deputy City Clerk

PRESENTATIONS

- A. Certificate of Recognition to Pomona Veteran(s)
- B. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming December 26, 2019 through January 1, 2020 as “Kwanzaa” in the City of Pomona

MAYOR/COUNCILMEMBER COMMUNICATIONS

Mayor Sandoval asked the Pomona High School Football team to step forward in order to be recognized as being the 6 time Miramonte Champions and CIF Champions. Mayor Sandoval and Council also recognized Deputy City Clerk Genoveva Rocha for her 17 years of service to the City of Pomona.

Mayor Sandoval and the City Council recognized and spoke about retiring City Manager Linda Lowry and presented her with a Pomona Goddess and various gifts.

Mayor Sandoval asked if there were any other individuals in the public who would like to say a few words about City Manager Lowry.

Past Councilmember Cristina Carrizosa spoke on City Manager Lowry’s achievements during her time in the City and wished her a well-deserved retirement.

Jeff Keating, representative from Western University of Health Science, presented City Manager Lowry with a proclamation recognizing her service in the City of Pomona.

Eunice Russell thanked City Manager Lowry for her friendship and wished her blessings on her retirement.

Don Martin, member of Compassionate Pomona, spoke on City Manager Lowry’s contribution of compassion to the City of Pomona.

Miguel Santana, President and CEO of the Fairplex, spoke on his working partnership with City Manager Lowry and her leadership contribution to the City of Pomona and also presented her a gift as a token of appreciation.

Jeanette Royston thanked City Manager Lowry for her service to the City of Pomona and her positive impact within the City.

Justin Jackson, representative from Supervisor Hilda Solis' Office, recognized City Manager Lowry for her years of service to the City of Pomona.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry spoke on the impact and importance that each city employee has in order to build trust within the community in the democratic process. City Manager Lowry also congratulated the City Council for selecting the next qualified City Manager for the City of Pomona.

City Manager Lowry requested that Mayor Sandoval bring forward Chief Mike Olivieri in order for him to introduce to the Council and public a new special police team. Mayor Sandoval agreed to bring forward Chief Olivieri after Public Participation.

PUBLIC PARTICIPATION

Ida Weil, resident, spoke on her concern with regard to the City's current yard sale schedule.

Kyle Brown, member of Clean and Green Pomona, shared with the Council that Clean and Green Pomona had received a grant to be able to purchase and plant 325 trees throughout the City of Pomona and thanked city staff for their assistance with the grant process.

Robert Santistevan, resident, shared his concern about a code violation his parents had received with regard to their fencing and its height.

Melissa Givens, representative from Pomona Area Chapter of Alpha Kappa Alpha Sorority, Inc., informed Council and the public of 2 upcoming Martin Luther King, Jr. events. The first event called a Day of Service would be taking place on January 20, 2020 at the Pomona Valley Christian Center and the second event called MLK Sunday Supper & Discussion would be taking place on January 19, 2020.

Benjamin Wood spoke on the retirement of the current Chief of Police and shared his concerns with police behavior.

Eunice Russell, resident, commended the City Council in setting up the new homeless shelter and shared her concerns with other cities not housing their own homeless and

allowing these same homeless individuals to utilize the City of Pomona's homeless resources.

Javier Flores, resident, spoke on his concerns with the newly formed Youth Commission.

M. Joyce Bakersmith, resident, presented Councilmember Steve Lustro and the Pomona Police Department with certificates of appreciation for their assistance with the Annual Cultural Festival which was held at Willie White Park. Ms. Bakersmith spoke on her concern with regard to sidewalk vendors located in the City.

Deborah Clifford, representative of the Historical Society of Pomona Valley, gave a historical story on a few of the first residents of Pomona and its surrounding areas.

Chief Olivieri introduced Pomona Police Officers Angela Torres and Diana Hernandez who are part of a newly formed full-time police unit called the Sexual Exploitation and Trafficking (SET) Team which is set to commence in January 2020. This new police unit will focus on the issues of prostitution and human trafficking in the areas of Holt Avenue and adjacent areas.

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, 4, & 5 which were pulled for discussion and voted on separately. Motion carried by a vote of 7-0.

1. Approval of City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes

It is recommended that the City Council approve the following City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes:

November 19, 2018 Meeting Minutes
November 20, 2019 Meeting Minutes
November 26, 2019 Meeting Minutes

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to approve the November 19, 2018, November 20, 2019 & November 26, 2019 Meeting Minutes. Motion carried by a vote of 7-0.

2. Award an Extension of the Existing Contract with Interwest Consulting Group for up to Four Months to Continue to Provide Building and Safety Services for the City of Pomona

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

- 1) Approve an extension of up to four months for the existing contract with Interwest Consulting Group; and
- 2) Authorize the City Manager, or designee, to execute the extension to the contract on behalf of the City, subject to the review by the City Attorney.

Councilmember Preciado pulled Item No. 2 for further discussion.

Councilmember Preciado spoke on his concerns with the current negative customer service inspectors are presenting to city residents.

Councilmember Lustro also spoke on his concerns with resident complaints regarding inspector customer service and expressed his agreement with bringing Building & Safety back in-house.

A motion was made by Councilmember Preciado and seconded by Councilmember Lustro, to approve an extension of up to four months for the existing contract with Interwest Consulting Group and authorize the City Manager, or designee, to execute the extension to the contract on behalf of the City, subject to the review by the City Attorney. Motion carried by a vote of 7-0.

3. Second Reading of an Ordinance Amending Sections 74-1 and 74-31 of the Pomona City Code to Adopt the 2019 Editions of the California Building Code

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

- 1) Find that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the State Guidelines to Implement CEQA in that there is no possibility that the action could cause a significant effect on the environment; and
- 2) Adopt the following ordinance:

ORDINANCE NO. 4277 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS 74-1 AND 74-31 OF ARTICLE I, CHAPTER 74 OF THE POMONA CITY CODE BY ADOPTING THE 2019 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Ordinance No. 4277. Motion carried by a vote of 7-0.

4. Adoption of a Resolution Establishing a Maximum Number of Permits to be issued by the Commercial Cannabis Permit Program ("CCPP")

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

RESOLUTION NO. 2019-206 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING A MAXIMUM NUMBER OF PERMITS TO BE ISSUED BY THE COMMERCIAL CANNABIS PERMIT PROGRAM ("CCPP"), WHICH INCLUDES TWO (2) STOREFRONT RETAIL, TWO (2) MICROBUSINESS, AND FOUR (4) IN ANY COMBINATION OF MANUFACTURING, TESTING, DISTRIBUTION, AND INDOOR CULTIVATION UP TO 22,000 SQUARE FEET OF CANOPY SPACE, FOR A MAXIMUM TOTAL OF EIGHT (8) CCPP PERMITS WITHIN THE CITY OF POMONA

Javier Flores spoke in opposition of Item No. 4.

A motion was made by Councilmember Gonzalez and seconded by Councilmember Torres, to adopt Resolution No. 2019-206. Motion carried by a vote of 7-0.

5. Request for a Public Hearing on an Appeal of the Cultural Arts Commission's Approval of Mural Permit No. 12295-2019 to Allow the Proposed Community-Executed Mural to Remain for a Period of up to 12 Months from Installation Date, Subject to Conditions at Tony Cerda Park, 450 West Grand (APN: 8343-004-902) Appellants: Councilmember Elizabeth Ontiveros-Cole

It is recommended that the City Council set the appeal of Mural Permit No. 12295-2019 for a public hearing on January 27, 2019.

Mayor Sandoval indicated that he supported the public hearing and expressed his concern with moving this item to the second Council meeting in January 2020. Mayor Sandoval shared that he had requested staff to place this item on the first Council meeting of January 2020 and asked that the Council amend the recommendation to set the public hearing for the January 6, 2020 Council meeting appealing the decision made by the Cultural Arts Commission.

A motion was made by Mayor Sandoval and seconded by Councilmember Ontiveros-Cole, to set the public hearing for the January 6, 2020 Council meeting, appealing the decision made by the Cultural Arts Commission regarding Mural Permit No. 12295-2019. Motion carried by a vote of 7-0.

6. Approval of the City of Pomona Report on Development Impact Fees for Fiscal Year Ended June 30, 2019

It is recommended that the City Council receive and file the City of Pomona Report on Development Impact Fees of June 30, 2019.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to receive and file the City of Pomona Report on Development Impact Fees of June 30, 2019. Motion carried by a vote of 7-0.

7. Adoption of Resolutions to Implement Position Changes in the City Clerk, Development Services, Finance, Police, Public Works, and Water Resources Departments

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

RESOLUTION NO. 2019-198 – A RESOLUTION OF THE CIT COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING AUTHORIZED STAFFING LEVELS RELATED TO POSITION CHANGES IN THE CITY CLERK, DEVELOPMENT SERVICES, FINANCE, POLICE, PUBLIC WORKS AND WATER RESOURCES DEPARTMENTS AND AMENDING THE FISCAL YEAR 2019-20 GENERAL FUND OPERATING BUDGET BY APPROPRIATING \$26,225 FROM GENERAL FUND RESERVES

RESOLUTION NO. 2019-199 – 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) BY DELETING THE LEAD TRAFFIC OPERATIONS CLASSIFICATION, MODIFYING THE ENGINEERING ASSISTANT CLASSIFICATION AND ADDING THE CLASSIFICATIONS OF LEAD SIGNAL/LIGHTING TECHNICIAN, SENIOR CRIME SCENE INVESTIGATOR, AND WATER FACILITIES WORKER I/II

RESOLUTION NO. 2019-200 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDIX B OF THE MEMORANDUM OF UNDERSTANDING WITH THE POMONA MID-MANAGEMENT/CONFIDENTIAL EMPLOYEES ASSOCIATION BY DELETING THE CLASSIFICATIONS OF ENVIRONMENTAL PROGRAMS SUPERVISOR AND PRINCIPAL PLANNER, MODIFYING THE ENGINEERING ASSOCIATE SERIES AND ADDING THE CLASSIFICATIONS OF ENVIRONMENTAL COMPLIANCE SUPERVISOR AND SUPERVISING PLANNER

RESOLUTION NO. 2019-201 – 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 ADDING THE CLASSIFICATIONS OF DEPUTY FINANCE DIRECTOR AND REVENUE OPERATIONS MANAGER

RESOLUTION NO. 2019-202 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA REFLECTING THE CHANGES TO THE SALARY SCHEDULE FOR ACTIONS APPROVED BY THE CITY COUNCIL ON DECEMBER 16, 2019

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia, to adopt Resolution No. 2019-202. Motion carried by a vote of 7-0.

8. Approval of Charter Review Commission 2020 Bylaws and Appointment of Members to the Charter Review Commission

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

- 1) Approve the Charter Review Commission 2020 Bylaws, as amended to reflect appointments to the Commission will be made at large, rather than by district, and allowing Commissioners serving on a standing commission to simultaneously serve on the Charter Review Commission; and
- 2) Approve the Council's selected appointments to the Commission as follows:

Mayor Sandoval	Derek Engdahl
D-1 Councilmember Gonzalez	John Clifford
D-2 Councilmember Preciado	Efrain Escobedo
D-3 Councilmember Garcia	Ann Tomkins
D-4 Councilmember Ontiveros-Cole	Dean Rudenauer
D-5 Councilmember Lustro	Edward Jimenez
D-6 Councilmember Torres	Eunice Russell

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to approve the Charter Review Commission 2020 Bylaws, as amended to reflect appointments to the Commission will be made at large, rather than by district, and allowing Commissioners serving on a standing commission to simultaneously serve on the Charter Review Commission & approve the Council's selected appointments to the Commission. Motion carried by a vote of 7-0.

9. Receive and File the Parks and Recreation Commission's List of Recommended Measure A Project Priorities and Direct Staff to Proceed with a Request for Proposals to Prepare a Parks and Facilities Master Plan

It is recommended that City Council take the following actions:

- 1) Receive and file the Parks and Recreation Commission's list of recommended Measure A project priorities, taking them into account as future capital improvement projects for the City's park needs, when prioritizing use of FY 2018-19 and FY 2019-20 Measure A annual allocations; and
- 2) Direct staff to proceed with Council Goal O, Steps 1-3 including preparation of a Request for Proposal (RFP) for preparation of a Parks and Facilities Master Plan and future consideration of using Measure A funds to pay for the Plan.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to receive and file the Parks and Recreation Commission's list of recommended Measure A project priorities, taking them into account as future capital improvement projects for the City's park needs, when prioritizing use of FY 2018-19 and FY 2019-20 Measure A annual allocations & direct staff to proceed with Council Goal O, Steps 1-3 including preparation of a Request for Proposal (RFP) for preparation of a Parks and Facilities Master Plan and future consideration of using Measure A funds to pay for the Plan. Motion carried by a vote of 7-0.

- 10. Authorization to Submit a Census 2020 Strategic Implementation Plan and Accept Grant Funds for Census Education and Outreach Activities**

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-194 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING SUBMISSION OF THE CITY'S CENSUS 2020 STRATEGIC IMPLEMENTATION PLAN TO LOS ANGELES COUNTY AND ACCEPTANCE OF \$91,446 IN STATE FUNDS, AS A SUBAWARDEE OF LOS ANGELES COUNTY, AMEND THE FY 2019-20 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING \$91,446 TO CARRY OUT CENSUS 2020 EDUCATION AND OUTREACH ACTIVITIES

- 3) Authorize the City Manager to execute the Census 2020 Education and Outreach Activities Agreement with Los Angeles County and any other documentation requested for approval of funds, subject to approval as to form by the City Attorney.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to adopt Resolution No. 2019-194 and authorize the City Manager to execute the Census 2020 Education and Outreach Activities Agreement with Los Angeles County and any other documentation requested for approval of funds, subject to approval as to form by the City Attorney. Motion carried by a vote of 7-0.

- 11. Approval of Lot Merger LM5-2019 for the Properties Designated as Assessor Parcel Number 8322-030-028, Related to the Installation of Electrical Vehicle Chargers at the 7-Eleven Store Located at 806 Indian Hill Boulevard, Pomona, CA (Council District 4)**

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-191 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM5-2019 FOR THE PROPERTIES LOCATED AT 806 INDIAN HILL BOULEVARD, POMONA, CA ASSESSOR PARCEL NUMBER 8322-030-028

- 2) Authorize the City Engineer to sign the Lot Merger LM5 2019 on behalf of the City.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to adopt Resolution No. 2019-191 and authorize the City Engineer to sign the Lot Merger LM5 2019 on behalf of the City. Motion carried by a vote of 7-0.

12. Award an Extension of an Agreement with Macadee Electrical Construction for Crane Services in an Amount Not-to-Exceed \$110,000

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

- 1) Approve an extension of a current agreement with Macadee Electrical Construction for crane services in an amount not-to-exceed \$110,000; 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.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to approve an extension of a current agreement with Macadee Electrical Construction for crane services in an amount not-to-exceed \$110,000 & 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.

13. Amend the FY 2019-20 Operational Budget by Appropriating \$35,558 of Capital Outlay Funds Available from Remaining Lease Proceeds and Approve the Purchase of One Replacement Vehicle for the Public Works Department in an Amount Not-to-Exceed \$35,558 from National Auto Fleet Group

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-196 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 OPERATIONAL BUDGET BY APPROPRIATING \$35,558 FROM THE CAPITAL OUTLAY FUND THAT IS AVAILABLE FROM REMAINING LEASE PROCEEDS TO PURCHASE ONE REPLACEMENT VEHICLE IN THE PUBLIC WORKS DEPARTMENT

- 2) Authorize the use of Sourcewell Contract #120716-NAF awarded to National Auto Fleet Group in an amount not-to-exceed \$35,558 for one replacement vehicle.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to adopt Resolution No. 2019-196 and authorize the use of Sourcewell Contract #120716 NAF awarded to National Auto Fleet Group in an amount not to exceed \$35,558 for one replacement vehicle. Motion carried by a vote of 7-0.

14. Amendment of the FY 2019-20 Capital Improvement Program (CIP) Budget to Create a New CIP Project, "Light Pole Replacements - Hamilton, Kellogg, Powers, and Tony Cerda Parks" Project No. 428-2590-XXXXX-68569; and transfer \$30,000 from the General Fund Contingency Appropriation to the New CIP Project No. 428-2590-XXXXX-68569

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-195 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO CREATE A NEW CIP PROJECT, "LIGHT POLE REPLACEMENTS- HAMILTON, KELLOGG, POWERS AND TONY CERDA PARKS" PROJECT NO. 428-2590-XXXXX-68569; AND TRANSFER \$30,000 FROM THE GENERAL FUND CONTINGENCY APPROPRIATION TO THE NEW CIP PROJECT NO. 428-2590-XXXXX-68569

- 2) Authorize the City Manager to execute all necessary documents, including purchasing of materials, installation contracts, subsequent change orders, and professional services agreements, subject to approval as to form by the City Attorney, as appropriate.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to adopt Resolution No. 2019-195 and authorize the City Manager to execute all necessary documents, including purchasing of materials, installation contracts, subsequent change orders, and professional services agreements, subject to approval as to form by the City Attorney, as appropriate. Motion carried by a vote of 7-0.

15. Approval of Lot Merger LM3-2019 for the Properties Designated as Assessor Parcel Number 8339-017-034, Related to Remodeling of an Existing Residential Property Located at 1465 N. Gibbs Street, Pomona, CA (Council District 4)

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-197 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM3-2019, FOR THE PROPERTIES LOCATED AT 1465 N. GIBBS STREET, POMONA, CA, ASSESSOR PARCEL NUMBER 8339-017-034

- 2) Authorize the City Engineer to sign the Lot Merger LM3-2019 on behalf of the City.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to adopt Resolution No. 2019-197 and authorize the City Engineer to sign the Lot Merger LM3-2019 on behalf of the City. Motion carried by a vote of 7-0.

16. Amendment of the FY 2019-20 Capital Improvement Program Budget by Transferring \$125,000 from the General Fund Contingency Appropriation Line Item to "Police - Main Facility Roof Replacement," Project No. 428-2590-XXXXX-73369 and Authorization to Increase the Various Contract Prices by a Total of \$86,000

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-203 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM BUDGET BY TRANSFERRING \$125,000 FROM THE GENERAL FUND CONTINGENCY LINE ITEM TO "POLICE - MAIN FACILITY ROOF REPLACEMENT," PROJECT NO. 428-2590-XXXXX-73369; and,

- 2) Authorize the City Manager to execute needed amendments to the following contracts with: Victorious R.E.D. (abatement), H2 Environmental (monitoring of abatement), and Letner Roofing (construction), respectively, by a total of \$86,000 for the roof and wall repairs, inspections/testing, fees, and other expenses necessary to complete this project.

A motion was made by Councilmember Lustro and seconded by Councilmember Garcia to adopt Resolution No. 2019-203 and authorize the City Manager to execute needed amendments to the following contracts with: Victorious R.E.D. (abatement), H2 Environmental (monitoring of abatement), and Letner Roofing (construction), respectively, by a total of \$86,000 for the roof and wall repairs, inspections/testing, fees, and other expenses necessary to complete this project. Motion carried by a vote of 7-0.

17. Approve Various Contract Amendments for the Water Resources Department Operations

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

- 1) Approve an amendment of \$612 to the professional service agreement for soil compaction an analysis work with URS (originally under contract as AECOM, and now doing business as URS);
- 2) Approve an amendment of \$2,202 to the professional service agreement for engineer work with Stantec Consulting Services, Inc. (Stantec);
- 3) Approve an amendment of \$13,488 to a professional service agreement for marketing and outreach with CV Strategies;
- 4) Approve an amendment to the United Water Works contract, adding the ability to purchase small tools and equipment for an amount not-to-exceed \$30,000 and non-inventory parts needed to maintain City infrastructure; and
- 5) Authorize the City Manager to execute the contract amendments for the above listed items as needed 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 approve the above recommended actions of 1-5. Motion carried by a vote of 7-0.

DISCUSSION CALENDAR

18. 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 actions:

- 1) Approve the expenditure(s) recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended item(s); and
 - A) Amount to be determined to Victory Outreach Pomona Valley in support of their Kids Christmas Outreach – Requested Amount: \$1,000
 - B) Amount to be determined to the Garey High School Music Department in support of their Christmas Celebration 2019 – Requested Amount: TBD
 - C) Amount to be determined to the Juneteenth Education Technology Mobile Arts Center, Inc. in support of their 19th Dr. Martin Luther King Jr. Unity Breakfast & Tribute – Requested Amount: \$1,700

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

A motion was made by Councilmember Lustro and seconded by Councilmember Ontiveros-Cole, 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.

- 19. Introduction and Adoption of an Urgency Ordinance Amending Sections .5809-26, .5809-13, .580, and .560 of the City of Pomona Zoning Ordinance pertaining to Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations**

It is recommended that the City Council introduce and adopt the following urgency ordinance:

ORDINANCE NO. 4278 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS .5809-26, .5809-13, .580, AND .560 OF THE CITY OF POMONA ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT REGULATIONS

Development Services Director Anita Gutierrez and Senior Planner Vinny Tam gave a presentation on Item No. 19.

Councilmember Garcia asked about the difference between an Accessory Dwelling Unit and Junior Accessory Dwelling Unit.

Senior Planner Tam explained that a Junior Accessory Dwelling Unit was limited to less than 500 square feet and that also the kitchen facility was limited. Mr. Tam also shared that the Junior Accessory Dwelling Unit needed to be constructed within the confines of an existing structure.

Councilmember Lustro shared his concern with the increase of parking within the city due to the amendment of regulations allowing multi-family homes to be able to build Accessory Dwelling Units and Junior Accessory Dwelling Units.

Councilmember Ontiveros-Cole also shared her concerns regarding the increase of parking.

Councilmember Torres asked how many applications have been received for Accessory Dwelling Units and asked about the issue of the fee being charged for expedited approval.

Senior Planner Tam stated that 185 applications had been received to date and clarified that there wasn't a specific expedited approval fee and that staff was able to work with the applicants to get their applications reviewed.

A motion was made by Councilmember Garcia and seconded by Councilmember Torres, to introduce and give first reading to Ordinance No. 4278. Motion carried by a vote of 7-0.

Mayor Sandoval requested to have Item No. 23 discussed and voted on before Item No. 20.

- 20.** Amendment of Chapter 2, Article VII of the Pomona City Code Pertaining to the Requirements and Procedures for Procuring Supplies, Services, Equipment and Capital Improvement Contracts, and Sale of Surplus Property

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

ORDINANCE NO. 4276 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING CHAPTER 2, ARTICLE VII OF THE POMONA CITY CODE PERTAINING TO THE REQUIREMENTS AND PROCEDURES FOR PROCURING SUPPLIES, SERVICES, EQUIPMENT AND CAPITAL IMPROVEMENT CONTRACTS, AND SALE OF SURPLUS PROPERTY

Finance Director Andrew Mowbray gave an overview of Item No. 20 and introduced Purchasing Manager Teresa Villa to give a presentation on Item No. 20.

Councilmember Garcia asked if this new ordinance would alleviate the delay in time needed for staff to purchase new equipment and replacement materials.

Purchasing Manager Villa indicated that this new ordinance would alleviate the current delay through the single source procurement process.

Councilmember Gonzalez asked about the bidding process and if three (3) bids will be needed in order for projects to move forward.

Ms. Villa shared that the City currently utilizes Planet Bids to announce bids that are open in the City and that all suppliers who would like to submit a bid will need to be registered through Planet Bids for consideration. She also stated that the new ordinance addresses the issue of not having three (3) valid bids and how a project may move forward with less than three bids.

A motion was made by Councilmember Preciado and seconded by Councilmember Ontiveros-Cole, to introduce and give first reading to Ordinance No. 4276. Motion carried by a vote of 6-0 with Councilmember Garcia absent.

21. Authorization of Issuance of Pension Obligation Bonds and Authorization to File Validation Action

It is recommended that the City Council adopt:

RESOLUTION NO. 2019-205 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA AUTHORIZING THE ISSUANCE OF BONDS NOT TO EXCEED \$220 MILLION TO REFUND CERTAIN PENSION OBLIGATIONS OF THE CITY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT AND PURCHASE CONTRACT, AUTHORIZING JUDICIAL VALIDATION PROCEEDINGS RELATING TO THE ISSUANCE OF SUCH BONDS AND APPROVING ADDITIONAL ACTIONS RELATED THERETO

A motion was made by Mayor Sandoval and seconded by Councilmember Lustro, to continue Item No. 21 to a future City Council meeting. Motion carried by a vote of 6-0 with Councilmember Garcia absent.

22. Approval of an Exception to the 180-Day Wait Period for Retired Annuitant Employment Pursuant to California Government Code Sections 7522.56 and 21224

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

RESOLUTION NO. 2019-204 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN EXCEPTION TO THE 180-DAY WAIT PERIOD FOR RETIRED ANNUITANT EMPLOYMENT PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 7522.567 AND 21224

Human Resources Director Matthews gave a brief overview of Item No. 22.

Councilmember Lustro asked Ms. Matthews if the California Public Employees' Retirement System (CalPERS) was in agreement with this exception.

Human Resources Director Matthews stated that CalPERS was in agreement with this exception.

Mayor Sandoval thanked Human Resources Manager Kimberly Crews for her service to the City.

A motion was made by Councilmember Lustro and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-204. Motion carried by a vote of 6-0 with Councilmember Torres absent.

Mayor Sandoval requested to have Item No. 23 discussed and voted on before Item No. 20.

23. Approval of an Employment Agreement for the City Manager and Adoption of Resolutions Amending the Annual Compensation for City Manager

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

- 1) Approve the employment agreement with James Makshanoff for the position of City Manager and authorize the Mayor to execute the employment agreement on behalf of the City, subject to any non-substantive changes made by the City Attorney; and
- 2) Adopt the following resolutions:

RESOLUTION NO. 2019-207 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDICES A AND B OF THE COMPENSATION PLAN FOR EXECUTIVE GROUP A AND B EMPLOYEES BY AMENDING THE SALARY RANGE FOR THE CITY MANAGER CLASSIFICATION

RESOLUTION NO. 2019-208 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE UPDATED CITYWIDE SALARY SCHEDULE FOR ACTIONS APPROVED BY THE CITY COUNCIL ON DECEMBER 16, 2019, INCLUDING AMENDING THE CITY MANAGER SALARY

Human Resources Director Linda Matthews gave an overview of the recruitment process for the City Manager position.

A motion was made by Councilmember Lustro and seconded by Councilmember Ontiveros-Cole, to approve the employment agreement with James Makshanoff for the position of City Manager and authorize the Mayor to execute the employment agreement on behalf of the City, subject to any non-substantive changes made by the City Attorney & adopt Resolution No.'s 2019-207 and 2019-208. Motion carried by a vote of 7-0.

Mayor Sandoval introduced new City Manager James Makshanoff and asked for him to come forward to say a few words.

Mr. James Makshanoff introduced himself and shared a few words with the Council, city staff and public.

Mayor Sandoval suggested that a "meet & greet" be put together for the beginning of February 2020 so that the community could come out and meet their new City Manager, City Attorney and City Clerk.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Torres informed Councilmember Garcia of reported homeless encampments by community members in District 3 that needed to be taken care of.

Councilmember Garcia reminded the public that the last day to donate to the toy drive was Wednesday, December 18, 2019. Ms. Garcia also wished Deputy City Clerk Genoveva Rocha best wishes on her new employment and wished the community Happy Holidays.

Councilmember Gonzalez thanked DPOA and all those involved in the Christmas Parade for their participation and spoke on his participation for the Hope for Homes grand opening.

Councilmember Ontiveros-Cole shared that Wednesday, December 18, 2019 was the last day to donate toys for the toy drive in District 4 and thanked the DPOA for their participation in the Christmas Parade. Ms. Ontiveros-Cole also shared her concern with respect to a sidewalk vendor in the City.

Mayor Sandoval thanked the DPOA and all those who volunteered in the Christmas Parade. Mayor Sandoval also thanked Neighborhood Services Director Benita DeFrank and staff for their work with addressing the issues of homelessness in the City and the Hope for Homes grand opening. Mr. Sandoval also thanked City staff for all that they do and wished the best and Happy Holidays for all City residents. Mayor Sandoval thanked City Manager Linda Lowry for her service to the City of Pomona.

ADJOURNMENT

The City Council meeting was adjourned at 9:21 p.m. on Monday, December 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