

ORDINANCE NO. 4305

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS 2-522 THROUGH 2-523, 2-525 THROUGH 2-550, 2-553, 2-582, 2-613 THROUGH 2-640 OF CHAPTER 2 (ADMINISTRATION) OF ARTICLE V (BOARDS AND COMMISSIONS), SECTIONS 26-32 THROUGH 26-34 OF CHAPTER 26 (LIBRARY) OF ARTICLE II (BOARD OF LIBRARY TRUSTEES), SECTIONS 38-32 THROUGH 38-70 OF CHAPTER 38 (PARKS AND RECREATION) OF ARTICLE II (PARKS AND RECREATION COMMISSION), SECTIONS 58-385 THROUGH 58-410 OF CHAPTER 58 (TRAFFIC AND VEHICLES) OF ARTICLE VI (VEHICLE PARKING DISTRICTS), AND SECTIONS 70-32 THROUGH 70-34 OF CHAPTER 70 (ADMINISTRATION AND PLANNING) OF ARTICLE I (PLANNING COMMISSION) OF THE POMONA MUNICIPAL CODE RELATING TO THE ADMINISTRATION OF BOARDS AND COMMISSIONS

THE CITY COUNCIL OF THE CITY OF POMONA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Sections 2-522 through 2-523 of Chapter 2 (Administration) of Article V (Boards and Commissions) are hereby amended to read as follows (new language underlined, deleted language in strikeout):

Sec. 2-522. - Qualifications of Commissioners.

No person shall be appointed to a commission, unless at the time of appointment the person is eighteen (18) years of age, a citizen of the state, and a resident in the city. This section shall not apply to the youth commission; commissioners serving on the youth commission shall be in compliance with Section 2-643.

Sec. 2-523. - Appointment to salaried office.

No member of any board or commission of the city shall be eligible for appointment to any salaried office in the service of the city unless such board member or commissioner has resigned as a board member or commissioner prior to his appointment to the salaried position. No employee of the city shall be eligible for appointment to any board or commission.

SECTION 2. Sections 2-525 through 2-550 of Chapter 2 (Administration) of Article V (Boards and Commissions) are hereby amended to read as follows (new language underlined):

Sec. 2-525. - Meetings.

All boards and commissions of the city, with the exception of the library board, shall hold at least one regular meeting each calendar month at the time and place determined by such board or commission. If the city manager or designee determines there are insufficient items for an agenda, the commission meeting may be canceled. The library board shall hold no less than one regular meeting each quarter.

Secs. 2-526. Agenda.

The city manager or designee shall be responsible for placing items on the agenda of the commission.

Secs. 2-527 —2-550. - Reserved.

SECTION 3. Section 2-553 of Chapter 2 (Administration) of Article V (Boards and Commissions) is hereby amended to read as follows (new language underlined, deleted language in strikeout):

Sec. 2-553. - Staff liaison.

The city manager or designee shall designate a member of city staff to serve as the staff liaison of the community life commission. Such liaison facilitator shall have the duties and responsibilities of acting as liaison officer between the community life commission and the city council, the city manager and the various departments of the city and shall assist the commission in carrying out its duties and responsibilities as provided for by this division. He shall make such reports to the city council as it may direct him and to the city manager as the city manager or designee may direct him. He shall, however, attend those meetings of the community life commission as so directed by the commission and attend such committee meetings of the community life commission as he deems appropriate to carry out his functions. He shall provide such advice, information and material available to him to assist the commission and its several committees in conducting their studies and surveys. The various departments of the city are directed to cooperate with the commission and its liaison in supplying such information and material as may be necessary to carry out the spirit and intent of this division and the purpose of the community life commission.

SECTION 4. Sections 2-582 of Chapter 2 (Administration) of Article V (Boards and Commissions) are hereby amended to read as follows (new language underlined, deleted language in strikeout):

Sec. 2-582. - Duties and responsibilities.

- (a) The cultural arts commission shall have the following duties and responsibilities:
 - (1) Relate to the community the artistic and cultural heritage of the city.
 - (2) Disseminate information to the public concerning opportunities to view and participate in cultural and art activities.
 - (3) Conduct and sponsor cultural and art events.

- (4) Coordinate cultural and art programs within the city and seek to bring into the city new programs and activities.
- (5) Assist the planning commission when called upon to provide artistic and cultural elements in connection with plans of development of the city such as the master plan and specific development plans.
- (6) Seek and promote scholarships for promising students of the arts.
- (7) Conduct an annual cultural art program at such location as approved by the city council that will focus public attention upon the arts and will tend to attract people to the city from all over southern California and beyond.
- (8) Work with business persons and leaders of industry to assist them with ideas in making the environment more artistically and culturally pleasing.
- (9) Such other activities that will generally promote the cultural and artistic growth and betterment of the city.

SECTION 5. Sections 2-613 through section 2-640 of Chapter 2 (Administration) of Article V (Boards and Commissions) are hereby amended to read as follows (new language underlined, deleted language in strikeout):

Sec. 2-613. - Membership, composition and qualifications.

Commission members should possess interest and knowledge of historic preservation and the historic and cultural resources of the city and an expertise and experience in the disciplines of architecture, history, architectural history, planning or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership should also include other persons who have demonstrated competence, knowledge, or experience in the history, architecture or cultural heritage of the city as will provide for an adequate and qualified commission.

Sec. 2-614 -2-615. *Reserved*

Sec. 2-616. - Powers and duties.

- (a) Subject to state law and procedures prescribed in this division, the historic preservation commission shall have and may exercise the following powers and duties:
 - (1) Aid the city in applying for a certified local government program and advise the city on how to conform with the federal preservation program. Further, the commission shall assist in the annual application process for preservation grants for which certified local government programs are eligible.
 - (2) Periodically update historic survey results and publicize the findings.
 - (3) Recommend to the city council that certain areas, places, buildings, structures, natural features, works of art or similar objects having significant historical, cultural, architectural, community or aesthetic value as part of the heritage of the

city be designated as historic landmarks or that an area be designated an historic district.

- (4) Advise staff on the Pomona Historic Register which identifies all sites, natural features, buildings and structures designated and approved as historic landmarks, historic districts or contributors to the city council. A description of the historic landmark or historic district and its reason for inclusion shall be contained therein. Copies of the register and list shall be transmitted to the city clerk, the departments of community development, community services, public works, and other appropriate departments and governmental agencies.
- (5) Encourage public understanding and involvement in historic, architectural, archaeological and cultural heritage through educational programs such as lectures, tours, walks, reports or publications, films, open houses, and special events.
- (6) Explore means for the protection, retention and use of any designated or potential historic landmark and historic district, including, but not limited to, appropriate legislation; tax incentives; and financing, such as encouraging independent funding organizations or private, local, state or federal assistance.
- (7) Approve, conditionally approve or disapprove in whole or in part an application for a certificate of appropriateness regarding the demolition, alteration, or removal of a landmark or the improvement of a natural feature within an historic district consistent with the provisions of the city's zoning code.
- (8) Recommend and encourage the protection, enhancement, appreciation and use of historic and cultural resources which have not been designated as historic landmarks or landmark districts and take such steps as it deems desirable to recognize such resources, including, but not limited to, listing, certificates, letters or plaques.
- (9) Render advice and guidance, upon request of the property owners, on the restoration, alteration, decoration, landscaping or maintenance of any historic landmark or contributor to an historic district.
- (10) Recommend for adoption written design standards to be used by the commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, demolish or affect any historic landmark or historic district.
- (11) Advise and assist the city council and property owners regarding the identification of appropriate government agencies or private parties to accept the grant of interests, such as conservation easements, that further the purpose of historic preservation in the city.
- (12) Research and report to the city council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic preservation in the city.
- (13) Investigate the feasibility of participating in making application to the certified local government program and make recommendations to the city council; make recommendations to the city council regarding uses for the funding available through the certified local government program.

- (14) Render advice and guidance, upon the request of property owners, on procedures for inclusion of a building, structure, improvement or site on the local or state register of historic places or the National Register of Historic Places.
 - (15) Confer recognition upon the owners of designated historic landmarks or historic districts by means of certificates, plaques or markers and from time to time recommend that the city council issue commendations to such owners who have rehabilitated their property in an exemplary manner.
- (b) The commission shall be charged with maintaining an information system capable of tracking the following:
- (1) The processing time from the application to a determination of certificates of appropriateness;
 - (2) The number and percentage of rejected applications for certificates of appropriateness;
 - (3) The number of applications for economic hardship; and
 - (4) Recommendations from property owners or professions in the building trades to improve the process.

The commission shall collect other information it deems useful in evaluating the effectiveness of the historic preservation ordinance. On an annual basis at a minimum, the commission shall submit a report to the city council as to the effectiveness, efficiency and satisfaction with the historic preservation procedures. This report shall include any recommendations for changes to the ordinance or changes in the procedures of the commission.

- (c) The commission shall submit an annual report of its activities to the state office of historic preservation at the end of each calendar year. The report shall include but not be limited to such information as appointments to the commission, resumes of commission members and staff, attendance records of members, official minutes of the commission meetings, revisions in the enabling ordinance if applicable, sponsorship of special workshops and conferences, summaries of environmental review cases requiring commission comments, new landmarks and historic districts designated, review of National Registrar nominations, cultural resources survey updates, and other pertinent activities performed by the commission.

Secs. 2-617—2-640. *Reserved.*

SECTION 6. Sections 26-32 through 26-34 of Chapter 26 (Library) of Article II (Board of Library Trustees) are hereby amended to read as follows (new language underlined, deleted language in strikeout):

Sec. 26-32 - 26-34. *Reserved*

SECTION 7. Sections 38-32 through 38-70 of Chapter 38 (Parks and Recreation) of Article II (Parks and Recreation Commission) are hereby amended to read as follows (new language underlined, deleted language in strikeout):

Sec. 38-32. - Purpose.

The purpose of the parks and recreation commission shall be to:

- (1) Provide for the establishment of sound recreational programs.
- (2) Ensure the efficient operation and use of all park and recreational facilities within the city.
- (3) Encourage a sound program of park and playground acquisition, development and maintenance and beautification of streets, avenues and boulevards.

Sec. 38-33. - Powers and duties.

The duties of the parks and recreation commission shall be to:

- (1) Act in an advisory capacity to the city council and the Neighborhood Services and Public Works directors in all matters pertaining to parks and public recreation, and cooperate with all other governmental agencies and civic groups in the advancement of sound park and recreational planning and programming.
- (2) Advise the director responsible for recreation programming regarding the conduct of recreation activities.
- (3) Advise the public works director in planning, maintenance and development of parks and parks facilities.
- (4) Endorse the community park and recreational programs to public officials and to the general citizenship in order to promote understanding and financial support from public and private sources.
- (5) Consider recommendations and requests for park amenities and/or recreational programming originating from any source outside the of the city's parks and recreation oversight department(s).
- (6) Make periodic inspections of park and recreation facilities and bring findings to the commission to provide recommendations to city staff.
- (7) Make such recommendations in the general field of park and recreation programming and facilities as may be requested by the city council.
- (8) Advise in the acquisition, development, beautification and maintenance of park and recreation facilities in the city as part of a sound master park and recreation plan in keeping with community needs and future growth.
- (9) Advise and consult with the director in preparation of the annual budget and the long range park and recreation capital improvement budget.

Secs. 38-34—38-70. - *Reserved.*

SECTION 8. Sections 58-385 through 58-410 of Chapter 58 (Traffic and Vehicles) of Article VI (Vehicle Parking Districts) are hereby amended to read as follows (new language underlined, deleted language in strikeout):

Sec. 58-385. - Removal of members.

- (a) Any member of the board of parking place commissioners may be removed by a majority vote of the entire city council when, in the discretion of the city council, the best interests of the city will be served thereby.
- (b) The city council shall remove a commissioner, pursuant to Streets and Highways Code § 31778, whenever a petition signed by the owners of more than one-half of the area of assessable land within the vehicle parking district requesting the removal of the commissioner is filed with the city council. The commissioner removed is ineligible to hold office as a commissioner of the vehicle parking district for one year following the commissioner's removal.
- (c) If a member is absent without cause from three successive regular meetings of the board, the city clerk shall declare his position to be vacant and shall notify the city council. A member is not absent without cause if the absence is:
 - (1) Due to illness; or
 - (2) Unavoidable and the member gives the secretary of the board notification before the day of the meeting that he will be absent and states the reason for the absence.
- (d) Whenever a vacancy occurs, the city council shall fill the vacancy in the same manner as was used for the original appointment. A member appointed to fill a vacancy serves for the remainder of the unexpired term.

Secs. 58-386—58-410. - Reserved.

SECTION 9. Sections 70-32 through 70-34 of Chapter 70 (Administration and Planning) of Article I (Planning Commission) is hereby amended to read as follows (new language underlined, deleted language in strikeout):

Sec. 70-32- 70-33. *Reserved.*

Sec. 70-34. - Powers and duties generally.

The planning commission shall prepare a comprehensive, long term general plan for the physical development of the city and of any land outside its boundaries which in the planning commission's judgment bears relation to its planning. This plan shall be referred to as the "general plan" and shall be officially certified as the general plan of the city upon its adoption by the planning commission and the city council. The general plan shall be comprised of all mandatory elements set forth in the Government Code and any other elements the planning commission or council may designate. Amendments shall be conducted pursuant to the Government Code. The planning commission shall also recommend to the city council zoning district changes and shall be the administrative body for conditional use permits and variances, subject to city council review. It shall also perform such duties and functions which the city council shall designate to it by ordinance or resolution.

Section 10. SECTION 9. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law and this Ordinance shall take effect thirty (30) days after its final adoption.

Section 11. If any section, subsection, sentence clause or phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Pomona hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence clause or phrase or word not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

PASSED, APPROVED AND ADOPTED this 19th day of July, 2021.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on June 21, 2021 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on July 19, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rosalia A. Butler, MMC
City Clerk