



# City of Pomona

505 S. Garey Ave  
Pomona, CA 91766

## Special Meeting Minutes

### City Council / Housing Authority / Successor Agency to the Redevelopment Agency

*Mayor Tim Sandoval  
Councilmember John Nolte  
Councilmember Victor Preciado  
Councilmember Mayor Nora Garcia  
Councilmember Elizabeth Ontiveros-Cole  
Vice Mayor 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, February 8, 2021

5:00 PM

Teleconference via Zoom

---

5:00 P.M. Teleconference via Zoom, closed to the public

#### CALL TO ORDER

Mayor Sandoval called the City Council Meeting to order at 5:00 p.m.

#### PLEDGE OF ALLEGIANCE

Councilmember Ontiveros-Cole led the Pledge of Allegiance.

#### ROLL CALL

Present via Zoom: Mayor Tim Sandoval  
Councilmember John Nolte  
Councilmember Victor Preciado  
Councilmember Nora Garcia  
Councilmember Elizabeth Ontiveros-Cole  
Vice Mayor Steve Lustro  
Councilmember Robert Torres

#### STAFF PRESENT via Zoom

Sonia Carvalho, City Attorney  
Rosalia Butler, City Clerk  
James Makshanoff, City Manager

John DePolis, IT Director  
Mark Gluba, Deputy City Manager  
Kirk Pelser, Deputy City Manager  
Linda Matthews, Human Resources Director  
Rene Guerrero, Public Works Director  
Arnold Dichosa, City Engineer  
Andrew Mowbray, Finance Director  
Ed Segura, Purchasing Manager  
Anita Gutierrez, Development Services Director  
Benita DeFrank, Neighborhood Services Director  
Chris Diggs, Water Resources Director  
Shandy Dittman, Senior Management Analyst  
Mike Ellis, Police Chief

### **PUBLIC PARTICIPATION**

*In response to the global COVID-19 pandemic and in accordance with California Governor's Executive Order N-25-20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note deadline for submitting emailed/written comments has passed. Only emailed comments that were received by the City Clerk's Office by the deadline of Monday, February 1, 2021 at 6:00 p.m. will be read into the record. However, the public may make verbal comments to any of the remaining items on the agenda ONLY by using the "raise hand" feature on Zoom during the meeting, dialing \*9 if you are calling in via phone or by leaving a comment in the Q & A box indicating you would like to speak. Staff will call on you one at a time and each speaker will have up to (3) minutes for their comment.*

### **DISCUSSION**

1. (Discussion Calendar Item No. 17 on February 1, 2021)

Introduction and First Reading of Ordinance to Add Division 3, "Wireless Facilities in Right-of-Way" to the Pomona City Code Chapter 46, Article IV; Adoption of Resolution to Establish Fees for Wireless Encroachment Permits

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

- 1) Introduce, waive further and give first reading to the following ordinance:

**ORDINANCE NO. 4279 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADDING DIVISION 3, "WIRELESS FACILITIES IN RIGHT-OF-WAY" TO CHAPTER 46 (STREETS, SIDEWALKS AND OTHER PUBLIC PLACES), ARTICLE IV (ENCROACHMENTS) OF THE POMONA CITY CODE**

2) Adopt the following resolution:

**RESOLUTION NO. 2021-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING A FEE SCHEDULE FOR WIRELESS ENCROACHMENT PERMITS AND TO INSTALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY UNDER CITY MUNICIPAL CODE CHAPTER 46, ARTICLE IV, DIVISION 3 "WIRELESS FACILITIES IN PUBLIC RIGHT-OF-WAY"**

Public Works Director Rene Guerrero gave the staff presentation. Gail Karish, telecommunications attorney from Best Best & Krieger, was available to answer questions. Councilmembers asked questions and commented on this item.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 6-1 (COUNCILMEMBER ONTIVEROS-COLE OPPOSED), to introduce on first reading Ordinance No. 4279 and adopt Resolution No. 2021-01.**

2. (Discussion Calendar Item No. 18 on February 1, 2021)

Award of Landscaping Contracts to MCE Corporation and Merchants Landscape Services, Inc.

It is recommended that the City Council review the following and choose the appropriate action in each recommendation:

**RECOMMENDATION NO. 1**

- 1) Approve a three-year contract, with two optional one-year extensions to MCE Corporation to provide Citywide Non-Occupied Median, Street side/Right-of-Way (ROW), and other Landscaping and Amenity Maintenance;

OR

- 2) Direct Staff to reject the current bids for Citywide Non-Occupied Median, Street side/ROW, and other Landscaping and Amenity Maintenance and issue another Request for bids, and extend the current Citywide Landscaping contract with MCE for the portion of their contract that addresses Citywide non-occupied medians, street side/ROW, and other landscaping and amenity maintenance an additional four months to facilitate the timing of the bidding process.

**RECOMMENDATION NO. 2**

- 3) Approve a three-year contract, with two optional one-year extensions, to Merchants Landscape Services, Inc. to provide Occupied Space Landscape and Amenity Maintenance; and adopt the following resolution:

**RESOLUTION NO. 2021-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-21 OPERATING BUDGET BY APPROPRIATING A TOTAL OF \$6,576 FROM THE UNIVERSITY CORP ASSESSMENT DISTRICT BUDGET FROM AVAILABLE RESERVES**

OR

- 4) Direct Staff to reject the current bids for Citywide Occupied Space Landscape and Amenity Maintenance and issue another Request for bids, and extend the current Citywide Landscaping contract with MCE for the portion of their contract that addresses Citywide occupied space landscaping and amenity maintenance an additional four months to facilitate the timing of the bidding process;

- 5) Reject the bid protest submitted by MCE Corporation as meritless; and

**RECOMMENDATION NO. 3**

- 6) Provide direction to Staff to further pursue in-house maintenance services; and
- 7) Authorize the City Manager to execute the contracts and any extensions to the contracts on behalf of the City, subject to review by the City Attorney.

Public Works Director Rene Guerrero gave the staff presentation.

**One email comment for Item 18:**

"Pomona City Council Members, As per the Council report write-up, MCE did not submit a bid for the Occupied Space Landscaping and Amenity Maintenance (OSLAM) contract, as we erroneously submitted our bid for that contract to the Non-Occupied Median, Street side/ROW and other Landscaping and Amenity Maintenance (NOMSROLAM) contract. The error was only identified after the OSLAM bid had closed, so we were unable to submit our bid to the proper location. The error was noted three days prior to the NOMSROLAM closing, but Planetbids does not allow a submitted bid to be manipulated until after the bid is closed, nor does it allow two bids to be submitted for the same job. Consequently, we had to replace our erroneously submitted bid in order to guarantee participation, so our OSLAM bid was not seen by staff. Based on the proposed annual contract price for the OSLAM contract, we believe it's in the City's best interest to reject all OSLAM bids and issue another RFB. Our erroneously submitted annual price is significantly less than the apparent winner (slightly less than \$150K annually). MCE will be in virtual attendance of tonight's meeting if you have clarifying questions. Sincerely, Jeff Core, President MCE"

Councilmembers asked questions and commented on this item.

**MOTION BY COUNCILMEMBER ONTIVEROS-COLE, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve a three-year contract, with two optional one-year extensions to MCE Corporation to provide Citywide Non-Occupied Median, Street side/Right-of-Way (ROW), and other Landscaping and Amenity Maintenance;**

approve a three-year contract, with two optional one-year extensions, to Merchants Landscape Services, Inc. to provide Occupied Space Landscape and Amenity Maintenance and adopt Resolution No. 2021-09; reject the bid protest submitted by MCE Corporation as meritless; provide direction to Staff to further pursue in-house maintenance services; and authorize the City Manager to execute the contracts and any extensions to the contracts on behalf of the City, subject to review by the City Attorney.

3. (Discussion Calendar Item No. 21 on February 1, 2021)

Adoption of an Urgency Ordinance Amending Chapter 2 of the Pomona City Code by Adding Provisions to Establish an Independent Redistricting Commission in 2021

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

**URGENCY ORDINANCE NO. 4297 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADDING DIVISION 6 TO ARTICLE V (BOARDS AND COMMISSIONS) OF CHAPTER 2 (ADMINISTRATION) OF THE POMONA CITY CODE TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO DRAW CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES BASED UPON THE 2020 DECENNIAL CENSUS**

Human Resources and Risk Management Director Linda Matthew gave a brief presentation.

**One email comment for Item 21:**

"Dear honorable members of the City Council, I wholeheartedly support this ordinance to form an independent redistricting commission. This follows the best practices of jurisdictions from all over California. It should be noted that if an independent commission is not formed, the Council itself must comply with the FAIR MAPS Act, including scheduling the four meetings where redistricting topics are discussed as fixed time items as stated in State law. Councilmembers have noted the oddity of past council districting's and having an independent commission, in consultation with a qualified demographer, review the lines provides some independence and assurance that these districts are drawn to account for communities of interest, and are not designed to split neighborhoods or protect incumbents. Also, these meetings are going to have extensive public input, which we want, and an independent commission is best suited to listen to people in a neutral manner, without preconceptions based on the commenter's previous political stances. It is important to get a diverse group of individuals to participate, and I encourage councilmembers to recruit from their neighborhoods and networks. However, we should also discourage them from being puppets of councilmembers and give them the space to operate independently and listen to the community. Please approve this item and get to work recruiting this commission. Sincerely, Hank Fung"

**Live comments was as follows:**

John Clifford spoke in favor of an independent redistricting commission so that the process happens outside of a political realm.

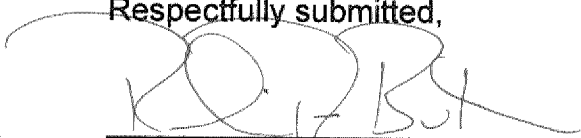
Some councilmembers asked questions and made comments on this item.

**MOTION BY MAYOR LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 7-0, to adopt Urgency Ordinance No. 4297.**

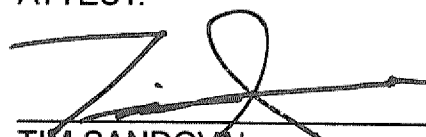
**ADJOURNMENT**

The City Council meeting was adjourned at 7:11 p.m. on Monday, February 8, 2021.

Respectfully submitted,

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

ATTEST:

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