

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Revised Regular Meeting Agenda

Monday, September 16, 2019

5:30 p.m. in the Closed Session Room & 7:00 p.m. in the Council Chambers

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

Mayor Sandoval will be participating via teleconference from:

Western Heritage Inn
Travel Lodge by Wyndham Bozeman
1200 E. Main St. Bozeman, MT 59715

Mayor Tim Sandoval
Councilmember Rubio R. Gonzalez
Vice-Mayor Victor Preciado
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.

PLEASE NOTE

The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Members of the City Council.

Members of the City Council and the public are reminded that they must preserve order and decorum throughout the Meeting. In that regard, Members of the City Council and the public are advised that any delay or disruption in the proceedings or a refusal to obey the orders of the City Council or the presiding officer constitutes a violation of these rules.

- The conduct of City Council meetings is governed by the portion of the California Government Code commonly known as the "Brown Act" and by the Pomona City Council Meeting Rules of Procedure.*
- The City Council meeting is for conducting the City's business, and members of the audience must obey the rules of decorum set forth by law. This means that each speaker will be permitted to speak for three minutes to address items that are listed on the City Council agenda or topics which are within the jurisdictional authority of the City.*
- No profanity, personal attacks, booing, cheering, applauding or other conduct disruptive to the meeting will be permitted. Any person not adhering to the Rules of Procedure or conduct authorized by the Brown Act may be asked to leave the Council Chambers.*
- All comments directed to the City Council or to any member of the City Council must be directed to the Mayor (or Vice Mayor if the Mayor is absent).*

We ask that you please respect the business nature of this meeting and the order required for the proceedings conducted in the Council Chambers.

ACCESSIBILITY

The City of Pomona wishes to make all of its public meetings accessible to the public. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City's Administration Office at (909) 620-2051 at least 48 hours before the meeting, if possible. Additionally, Listening Assistive Devices are available for the hearing impaired; please see the City Clerk.

Agenda-related writings or documents provided to the City Council are available for public inspection in the Office of the City Clerk and on the City's website www.ci.pomona.ca.us. Persons who have questions concerning any agenda item may call the City Clerk's Office at (909) 620-2341.

SPANISH INTERPRETATION / INTERPRETACIÓN EN ESPAÑOL

If you require Spanish interpretation, a bilingual interpreter is available at Regular City Council meetings and may be available at Special meetings, if necessary. Please note that if no one requests assistance by 8:00 pm, the interpreter will be dismissed.

Si necesita interpretación en español, un intérprete bilingüe está disponible en las juntas regulares del Concejo Municipal y puede estar disponible en juntas especiales, si es necesario. Tenga en cuenta que si nadie solicita asistencia antes de las 8:00 pm, el intérprete será despedido.

5:30 P.M.

In the Closed Session Room

CLOSED SESSION

Held in the City Council Conference Room adjacent to the Council Chambers on the south side of the building.

CALL TO ORDER

PUBLIC COMMENT

Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council prior to the City Council convening into closed session. Comments from the public will be limited to three (3) minutes. No member of the public will be allowed to be present once the City Council convenes into closed session.

CLOSED SESSION AGENDA ITEMS

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

7:00 P.M.

Reconvene in the Council Chambers

CALL TO ORDER

CLOSED SESSION REPORT

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Reports on conferences, seminars, and regional meetings attended by Mayor and City Council and announcements of upcoming events.

CITY MANAGER COMMUNICATIONS

Reports from the City Manager.

PUBLIC PARTICIPATION

Public Participation – At this time, the public is invited to address the Council concerning any items not on the agenda.

Together the City Council members, City staff, and public honor Pomona's important City meeting values:

*To speak and to listen to everyone with respect and courtesy;
To honor fairness and our cherished democratic process;
To affirm Pomona's dedication to lead as a Compassionate City.*

Thank you all for keeping these values and this commitment to act with them ever present in our minds as we proceed with the meeting together.

In order to address the City Council, each individual must fill out a speaker card, which is available in the lobby of

the Council Chambers. Speaker cards must be completed and turned in to the City Clerk at this time. Only those speaker cards turned in to the City Clerk will be allowed to address the City Council. No late cards will be accepted. Each person should state their name and will be allowed to speak once for three minutes. All speakers and persons in the audience must adhere to the City Council Rules of Procedure and Decorum.

CONSENT CALENDAR

All matters under the Consent Calendar may be enacted by a single motion without separate discussion. If discussion or a separate vote on any item is desired by a Councilmember, that item may be removed from the Consent Calendar and considered separately. All consent items pulled for discussion will be limited to five minutes. If they are not enacted upon within five minutes, the Mayor will move that Consent Item to the end of the Agenda, after consideration of the public hearings. Any motion relating to an ordinance or a resolution shall also waive the reading of the ordinance or resolution and include its introduction or adoption as appropriate.

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 PURCHASE 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.

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.

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.

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.

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

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.

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.

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.

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.

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

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

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

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

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

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

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

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.

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.

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

PUBLIC HEARINGS

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

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

MATTERS INITIATED BY CITY COUNCILMEMBERS

Items for future City Council consideration as requested by Mayor or Members of the City Council

ADJOURNMENT

The next Regular Meeting will be held on Monday, October 7, 2019, in the City Council Chambers, 505 S. Garey Avenue, Pomona, California. Closed Session items will be discussed at 5:30 p.m. The Open Session will commence at 7:00 p.m.

CERTIFICATION OF POSTING AGENDA

I, Rosalia A. Butler, MMC, City Clerk for the City of Pomona, hereby certify that the agenda for the September 16, 2019, meeting of the City Council was posted in City Hall, near the door of the City Council Chambers and City Council Conference Room, and on the City's website www.ci.pomona.ca.us on Thursday, September 12, 2019.

I declare under the penalty of perjury that the foregoing is true and correct.

Rosalia A. Butler, MMC
City Clerk