

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Regular Meeting Agenda

Monday, August 7, 2023

PLEASE NOTE: NEW TEMPORARY LOCATION

5:30 p.m. in the Cafeteria Room of the Pomona Unified School District Building (Closed Session)

&

7:00 p.m. in the Pomona Unified School District Ed Center Board Room located at 800 S. Garey Ave., Pomona, CA, 91766

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

Mayor Tim Sandoval
Vice-Mayor John Nolte
Councilmember Victor Preciado
Councilmember Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert 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.pomonaca.gov. 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.

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.

5:30 P.M.

In the Cafeteria Room located inside the Pomona Unified School District building.

CLOSED SESSION

Held in the Cafeteria Room of the Pomona Unified School District building located at S. Garey Avenue.

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 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
Pomona City Employees' Association, a Chapter of Teamsters Local 1932
Pomona Mid-Management Confidential Employees Association (PMMCEA)
Pomona Police Officers Association (PPOA)
Pomona Police Managers Association (PPMA)

Labor Negotiators: James Makshanoff and René Anderson

7:00 P.M.

Pomona Unified School District Ed Center Board Room

CALL TO ORDER

CLOSED SESSION REPORT

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

*Presentation by Athens Services on Apprenticeship Program

MAYOR/COUNCILMEMBER COMMUNICATIONS

Reports on conferences, seminars, and regional meetings attended by Mayor and City Council and announcements of upcoming events, and also items for future City Council consideration as requested by Mayor or Members of the

City Council.

Additionally, this is the time for Mayor and City Council to disclose on the record any contributions per Charter Section 1403. This section states "Prior to casting a vote on any contract, permit, or other matter requiring City Council approval where the applicant seeking approval is a person or business entity controlled by that person that has contributed more than five hundred dollars (\$500) within the previous twelve (12) months to a Councilmember's City election campaign committee, the Mayor or Councilmember receiving such contribution(s) shall disclose on the public record the receipt of said contribution(s).

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 in 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. 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:

June 5, 2023 Meeting Minutes
July 17, 2023 Meeting Minutes

Attachments: [FINAL MINUTES 6-5-2023.pdf](#)
 [FINAL MINUTES 7-17-2023.pdf](#)

2. Second Reading and Adoption of an Ordinance Adding Standard Bylaws for All Boards, Commissions, and Committees to the Pomona City Code

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

ORDINANCE NO. 4328 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADDING SECTION 2-526 (“STANDARD BYLAWS FOR ALL BOARDS, COMMISSIONS AND COMMITTEES”) OF DIVISION I (“GENERALLY”) OF ARTICLE V (“BOARDS AND COMMISSIONS”) OF CHAPTER 2 (“ADMINISTRATION”) OF THE POMONA CITY CODE RELATING TO THE ADMINISTRATION OF ALL CITY BOARDS, COMMISSIONS AND COMMITTEES

Attachments: [Staff Report Adding Commission Bylaws to City Code.docx](#)
 [Attachment No. 1.pdf](#)
 [Attachment No. 2 - Proposed Ord. No. 4328.docx](#)

3. Second Reading and Adoption of an Ordinance Amending the Pomona City Code Relating to the Police Oversight Commission Pursuant to the Provisions of Article VIII, Section 806 of the Charter of the City of Pomona

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

ORDINANCE NO. 4333 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING DIVISION 6 (“POLICE OVERSIGHT COMMISSION”) OF ARTICLE 5 (“BOARDS AND COMMISSIONS”) OF CHAPTER 2 (“ADMINISTRATION”) OF THE POMONA CITY CODE RELATING TO THE POLICE OVERSIGHT COMMISSION PURSUANT TO THE PROVISIONS OF ARTICLE VIII (“APPOINTIVE BOARDS AND COMMISSIONS”) SECTION 806 (“POLICE OVERSIGHT COMMISSION”) OF THE CHARTER OF THE CITY OF POMONA

Attachments: [Staff Report-Adoption.DOCX](#)
 [Attachment No. 1.pdf](#)
 [Attachment No. 2 - Proposed Ordinance No. 4333.docx](#)

4. Pomona Choice Energy Rate Increase

It is recommended that the City Council receive and file the report.

Attachments: [SR - PCE Rates](#)
 [Attach 1 - Pomona Choice August 1, 2023 Rate Schedules_Council](#)

5. Adoption of a Resolution Approving the Fiscal Year 2023-24 Statement of Investment Policy for the City of Pomona

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

RESOLUTION NO. 2023-130 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE 2023-24 STATEMENT OF INVESTMENT POLICY FOR THE INVESTMENT OF PUBLIC FUNDS BY THE CITY TREASURER

Attachments: [Investment Policy Staff Report 23-24 Updated](#)
 [Investment Policy Resolution 23-24 Updated](#)
 [City of Pomona Investment Policy 2023-24](#)

6. Resolution to Amend the Fiscal Year 2023-24 Operating Budget by Appropriating \$600,000 of Available Proposition A Funds for Vandalism-Related Services and Repairs, and Right of Entry Agreement Requirements; and Approve the Right of Entry Agreement with Union Pacific and the Amendment to the Agreement with Parkwood Landscape, Inc. for Maintenance Needs Due to Vandalism at the Pomona Transit Center

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-131 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2023-24 OPERATING BUDGET BY APPROPRIATING \$600,000 FROM THE AVAILABLE PROPOSITION A FUND BALANCE: \$100,000 FOR CONTROLLABLE CONTRACT SERVICES RELATED TO THE RIGHT OF ENTRY AGREEMENT, \$470,000 FOR VANDALISM REPAIRS, AND \$30,000 FOR ADDITIONAL PRESSURE WASHING SERVICES AT THE POMONA TRANSIT CENTER

- 2) Approve the Right of Entry Agreement between the City of Pomona and Union Pacific Railroad Company effective on the date of approval through November 1, 2023 for the purpose of performing maintenance-related work at the Pomona Transit Center in an amount not-to-exceed \$100,000;
- 3) Approve an amendment to the agreement with Parkwood Landscape Maintenance, Inc. (Parkwood) for additional services related to vandalism at the Pomona Transit Center starting August 1, 2023 through June 30, 2024, for an annual amount of \$85,000; and
- 4) Authorize the City Manager, or designee, to execute the Right of Entry Agreement with Union Pacific Railroad Company and the amended agreement with Parkwood, and any extensions or amendments thereto on behalf of the City, subject to review by the City Attorney.

Attachments: [Staff Report](#)
 [Attachment No. 1 - Resolution](#)

7. Resolution to Amend the FY 2023-24 Capital Improvement Program (CIP) Budget by Creating a New Project, "Traffic Signal Improvement - McKinley Avenue and Canyon Way," Project No. 428-2590-XXXXX-68587 and Appropriating \$600,000 of Fairplex Mitigation Funds to the Project

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

RESOLUTION NO. 2023-132 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2023-24 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CREATING A NEW CIP PROJECT, "TRAFFIC SIGNAL IMPROVEMENT - MCKINLEY AVE AND CANYON WAY," PROJECT NO. 428-2590-XXXXX-68587 AND APPROPRIATING \$600,000 OF FAIRPLEX MITIGATION FUNDS TO THE PROJECT

Attachments: [Staff Report](#)
[Attachment No. 1 - Resolution](#)
[Attachment No. 2 - CIP Project Details Sheet](#)

8. Amend an Agreement with HdL Companies for Rental Property Registration Services

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

- 1) Amend the professional services agreement to HdL Companies, not to exceed a maximum annual amount of \$250,000 for Rental Registration Administration Services; and
- 2) Authorize the City Manager to execute this amendment with HdL Companies and any subsequent documents, amendments, and extensions, subject to review and approval by the City Attorney.

Attachments: [Staff Report](#)

9. Adopt a Resolution to Amend the Fiscal Year 2023-24 Operating Budget by Appropriating \$4,000 in State Certified Local Government (CLG) Program Grant Funds Not Expended During FY 2022-23

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

RESOLUTION NO. 2023-133 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2023-24 OPERATING BUDGET BY INCREASING THE REVENUE ESTIMATES AND APPROPRIATIONS OF \$4,000 IN STATE CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM GRANT

Attachments: [Staff Report](#)
[Resolution](#)

10. Approve a Memorandum of Agreement with the San Gabriel Valley Council of Governments for Participation in the Regional Edible Food Recovery Program for Compliance with SB 1383 Regulations

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

- 1) Approve the Memorandum of Agreement with the San Gabriel Valley Council of Governments to provide inspection and compliance review of Tier 1 and Tier 2 edible food generators and documentation of contracts with food recovery organizations and to provide funding for necessary staffing and equipment to increase the capacity of edible food recovery in our region in an amount not to exceed \$110,579 through August 1, 2024; and
- 2) Authorize the City Manager to execute the agreement and future amendments subject to review by the City Attorney.

Attachments: [Staff Report](#)
 [Attachment 1 - MOA](#)

11. Approval to Execute Agreements Related to Pomona Choice Energy Solar and Battery Residential Program

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

- 1) Approve an agreement with Participate Energy for the Pomona Choice Energy Solar and Battery Residential Program; and
- 2) Authorize the City Manager, or his designees, to execute all contracts and make any non-substantive changes, related to the Pomona Power Choice Solar and Battery Residential Program, pending City Attorney review.

Attachments: [SR - Pomona Power Choice Program Agreements \(2\)](#)
 [Attach 1 - Framework Program Agrmt.pdf](#)
 [Attach 2 - Master PPA.pdf](#)
 [Attach 3 - Program Management Agreement.pdf](#)
 [Attach 4 - Program Support Service Agreement.pdf](#)
 [Attach 5 - 2023 PCP Presentation.pdf](#)

12. Award of Contract to Craftwater Engineering, Inc., for the “Fairplex Stormwater Capture” Project

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

- 1) Award a design contract to Craftwater Engineering, Inc. (Craftwater) for the “Fairplex Stormwater Capture” Project No. 428-2590-XXXXX-81060 in the amount of

\$1,914,398; and

- 2) Authorize the City Manager, or designee, to execute the design contract with Craftwater on behalf of the City and any subsequent documents or amendments, subject to approval as to form by the City Attorney.

Attachments: [SR - Award a Contract to Craft Water for Fairplex
Attachment No. 1 Professional Services Agreement](#)

13. Approval of Amendments to the City's Special Legal Counsel Panel

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

- 1) Approve the addition of Hanna Brophy as Workers' Compensation and Industrial Disability Retirement defense counsel;
- 2) Approve the deletion of premises liability and dangerous condition of public property Attorney Robert Gokoo from the Special Legal Counsel Panel;
- 3) Approve hourly rate increases for Carpenter, Rothans and Dumont, and McCune and Harber to \$250 per hour, and Liebert Cassidy Whitmore to \$425 per hour; and
- 4) Authorize the City Manager to execute retainer agreements with the requested firms.

Attachments: [Staff Report Legal Panel Update 2023-08-07
Attachment No. 1 - Updated Special Legal Counsel Panel.pdf](#)

14. Award of Contract to Tripepi Smith and Associates for Social Media Consultant Services for the City of Pomona

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

- 1) Award the Communications and Social Media Consultant to Tripepi Smith and Associates for a term of three-years and two one-year renewal options for a total not to exceed \$272,967; and
- 2) Authorize the City Manager, or designee, to execute the agreement and any amendments, upon approval of the City Attorney as to form.

Attachments: [8-7-23 Award of Bid for Social Media Services - Final](#)

DISCUSSION CALENDAR

15. Finding of Public Benefit to the Community at Large-Recommended Expenditure(s) and Recap of Expended 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
- 2) Receive and file the recap of final amounts.

Attachments: [FOPB Staff Report](#)
 [Attachment](#)

16. Discussion Regarding the Gazebo at Montvue Park

It is recommended that the City Council discuss options regarding the disposition of the existing gazebo at Montvue Park and take one of the following actions:

- 1) Uphold the unanimous recommendation of the Parks and Recreation Commission to demolish the existing gazebo at Montvue Park and repair the walkway, as needed; or
- 2) Direct Staff to repair the existing gazebo at Montvue Park; or
- 3) Direct Staff to demolish the existing gazebo and construct a new gazebo at a more visible location in Montvue Park.

Attachments: [Staff Report](#)

17. Introduction of Ordinance Establishing Youth Diversion Programs and Policies

It is recommended that the City Council introduce, waive further, and give first reading to the following ordinance:

ORDINANCE NO. 4336 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADDING A NEW DIVISION I (“PRE-ARREST YOUTH DIVERSION POLICY”) AND ARTICLE XI (“LAW ENFORCEMENT POLICY”) TO CHAPTER 2 (“ADMINISTRATION”) OF THE CITY OF POMONA CITY CODE CONCERNING ESTABLISHMENT OF A PRE-ARREST YOUTH DIVERSION POLICY BY THE POMONA POLICE DEPARTMENT

Attachments: [Staff Report Re Youth Diversion Policies.docx](#)
 [Attachment No. 1 - Proposed Ord. No. 4336.docx](#)

18. Designate a Voting Delegate and Alternate(s) for the 2023 League of California Cities Annual Conference

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

- 1) Designate a voting delegate and voting alternate(s) for the 2023 League of California Cities Annual Conference scheduled to take place on September 20-22, 2023; and
- 2) Direct Staff to complete the Voting Delegate Form (Attachment No. 1) to be returned to the League's Sacramento office.

Attachments: [Staff Report - 2023 League of CA Cities Voting Delegate.docx](#)
[Attachment No. 1.pdf](#)

ADJOURNMENT

This Council meeting is being adjourned in memory of Dr. Manuel Castillejos who served this community as a volunteer with the Pomona Youth Orchestra and as a local educator. The next Regular Meeting will be held on August 21, 2023 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 August 7, 2023 meeting of the City Council was posted in City Hall, near the door of the City Council Chambers and the Chuck Bader Conference Room, Pomona Unified School District Building, and on the City's website www.pomonaca.gov on August 1, 2023.

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

*/s/ Rosalia A. Butler, MMC
City Clerk*