



# City of Pomona

505 S. Garey Ave  
Pomona, CA 91766

## Regular Meeting Minutes

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

*Mayor Tim Sandoval  
Councilmember John Nolte  
Councilmember Victor Preciado  
Councilmember Nora Garcia  
Vice Mayor Elizabeth Ontiveros-Cole  
Councilmember Steve Lusto  
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.*

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Monday, October 17, 2022

7:00 PM

Council Chambers

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#### **CLOSED SESSION**

**5:30 P.M. Chuck Bader Conference Room**

#### **A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(Pursuant to Government Code Section 54956.8)

Property: Veteran's Park (APN's: 8707-019-903, 906 & 909)

Negotiation Parties: Seventh Street Development, Inc.

City's Negotiator: James Makshanoff, City Manager

Under Negotiation: Price and terms

#### **B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Pursuant to Government Code Section 54956.9(d)(1))

*Julian Shelby Bryant, a minor, By and Through His Guardian Ad Litem, Rochelle Bryant and Jerry Bryant vs. City of Pomona; and Foothill Transit and DOES 1 to 20; City of Pomona vs. James Edward Reed, Jr. Foothill Transit; and DOES 1 through 20, Inclusive*

Superior Court Case No. 19STCV46308

#### **C) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

(Pursuant to Government Code Section 54956.9(d)(4))

Significant exposure to litigation

Number of potential cases: One (1)

#### **D) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

(Pursuant to Government Code Section 54956.9(d)(4))

Initiation of litigation

Number of potential cases: One (1)

#### **E) 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. Council Chambers**

#### **CALL TO ORDER**

Mayor Sandoval called the City Council Meeting to order at 7:00 p.m.

#### **CITY ATTORNEY REPORT OUT FROM CLOSED SESSION**

City Attorney Carvalho stated there was no reportable action from the several Closed Session Items.

#### **PLEDGE OF ALLEGIANCE**

Councilmember Lustro led the Pledge of Allegiance.

#### **ROLL CALL**

Present: Mayor Tim Sandoval  
Councilmember John Nolte  
Councilmember Victor Preciado  
Councilmember Nora Garcia

Vice Mayor Elizabeth Ontiveros-Cole  
Councilmember Steve Lustro  
Councilmember Robert Torres

### **STAFF PRESENT**

James Makshanoff, City Manager  
Sonia Carvalho, City Attorney  
Rosalia Butler, City Clerk  
Karla Shipman, Assistant City Clerk  
Diana Robles, Deputy City Clerk I

Maricela Miotto, contracted by the City, provided translation services.

### **PRESENTATIONS**

\*Proclamation Recognizing the Month of October 2022 as “Domestic Violence Awareness Month” in the City of Pomona

Pat Bell, Executive Director of House of Ruth, accepted the proclamation and spoke about the work the organization does in the community. She invited everyone to a candle light vigil at their main office in Pomona on Thursday, October 20 at 6pm and to their Survivor’s Panel on Thursday, October 27.

\*Proclamation Proclaiming October 23-31, 2022 as Red Ribbon Week

Pomona Youth Prevention Council and Partnership for a Positive Pomona accepted the proclamation and thanked the Council for their support. They will be hosting a Drug and Alcohol Free event on November 19 open to the youth of Pomona.

### **MAYOR/COUNCILMEMBER COMMUNICATIONS**

Vice Mayor Ontiveros-Cole discussed the accident that took place last Friday night on West Holt Ave. She came across some family members of the victim and expressed City support to them. She called on staff to begin working on a safety improvement project for both West and East Holt Ave. She requested to re-evaluate the City’s Street Vendor ordinance to make sure everyone’s safety is ensured. She also participated in the District 4 Coffee with A Cop event. She discussed hosting the District 4 Area Commander meeting on October 11, in which 100 residents attended.

Councilmember Nolte expressed condolences to the family that lost their loved one and to those still recuperating from the accident. He stated the City applied for the “Safe Streets for All” grant, and is aware staff has been working on a report assessing the safety of pedestrians, bike riders and drivers on the streets of Pomona. He attended the Kennedy Austin Foundation Courage Awards and discussed the organization’s work. He also attended the Pomona Pride Center Gala as a board member of Tri-City. He thanked the Pomona Pride Center for their work in helping LGBTQIA+ members of Pomona.

Councilmember Torres gave out his condolences to those affected by Friday night's accident. He requested that the Street Vendor Ordinance be re-visited to improve safety for residents and businesses in Pomona. He also gave thanks to President Biden for the letter he sent to his newborn son, Anthony Torres, congratulating him on his birth.

Councilmember Preciado gave his condolences to everyone affected by last week's accident. He requested that the City be more pro-active about identifying intersections that could use safety updates. Working with Conexión de Padres, he advised the following intersections were identified as needing changes: Ninth St and Eleanor St, and Grand Ave and Eleanor St. He requested that changes for these intersections be brought to the next City Council meeting by staff. He also gave a shout out to the Garey High School JV football team, of which he is a coach; they recently defeated La Puente High School and remain undefeated this season. He also thanked Purpose Church for having him at their 150 year anniversary celebration. He discussed the 6<sup>th</sup> Annual 5k, 10k, and Toddler Trot fundraiser event which sold out, and thanked everyone involved to make it a success.

Councilmember Garcia gave her condolences to everyone affected by Friday night's accident, and expressed a need to address speeding in the City through road diets, medians and other measures. She announced that on Wednesday 10/26, from 5-6PM, there will be a Table and Treat event at the Pomona City Library. On Wed 11/02, also at the Library, there will be a Day of the Dead event with the Cal Poly Pomona Mariachi. On Friday 10/28 there will be the Pomona American Trunk or Treat, on Saturday morning 10/29 there will be the Pomona PD Trunk or Treat event and lastly the Palomares Park Haunted House event will be on both Friday 10/28 and Saturday 10/29.

Councilmember Lustro echoed the same sentiments of other councilmembers regarding the accident, he gave his condolences and sympathies to everyone affected by it. He requested that staff consider any safety improvements on the streets of the City to make them safer for pedestrians.

Mayor Sandoval visited the family that lost their loved one to share resources and to give support. He also suggested a special study session may be needed to make the streets safer. He discussed attending the 6<sup>th</sup> Annual 5k, 10k, and Toddler Trot fundraiser. He thanked Councilmember Preciado for creating the event. He announced that on Saturday, 10/22, at Montvue Park from 9-9:30am there will be an informational session on the actions the City is taking to address human sex trafficking crime, and a community walk.

### **CITY MANAGER COMMUNICATIONS**

City Manager Makshanoff had no reportable action.

### **PUBLIC PARTICIPATION**

*At the direction of the City Council Emergency Sub Committee, beginning with the July 18, 2022 Council meeting, emailed comments will no longer be read into the record during Council meetings. However, they will be included as part of the record/meeting minutes*

*and names will be read into the record with respect to members of the public being in favor or in opposition of a particular agenda item.*

Live Comments were as follows:

Susan S. Selters, discussed Pomona churches experiencing vandalism, and theft. She requested the City Council take more action to stop this type of crime wave. She also invited them and the public to the Pilgrim Church Trunk or Treat event.

Loreal Tatone discussed the working conditions in the Water Resources department that are difficult, and experienced by many staff members. She requested an independent audit of the department's leadership.

Gary K. Matthews requested an independent board to conduct an investigation in the Water Resources Department procedures, due to various operating variations.

Brando thanked councilmembers for addressing Friday night's accident. He requested a discussion on how to assist the family that lost a member that night in order to see long term action.

Juan Carlos Lomeli, property manager of a shopping center on corner of Indian Hill and San Bernardino, discussed the various street vendors set up on the sidewalk and general conditions of these locations that are unsafe.

Orlando Arias-Pulido discussed Friday night's accident and the need for additional protections for Street Vendors and their customers.

Eunice Russell discussed concerns regarding the re-districting process.

Arleen Yaz Alonso discussed the need for more protections for street vendors. She also discussed the lack of response from Council members when reaching out to them for a Gente Organizada Youth Forum on the candidates up for election.

Kevin Parada discussed Friday night's accident, expressed the role of Gilberto in the community. He announced there is a GoFundMe for Gilberto Gonzales and requested that the City promote it on social media to get the word out.

## **CONSENT CALENDAR**

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to approve the Consent Calendar except for items 7 and 9 to be voted on in separate motions.**

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:

September 19, 2022 Meeting Minutes

October 3, 2022 Meeting Minutes

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to approve the meeting minutes of September 19, 2022 and October 3, 2022.**

2. Award of a Contract to Quality Management Group for Property Management Services for Pomona Housing Authority Owned Properties

It is recommended that the City Council, sitting as the Governing Board of the City of Pomona Housing Authority take the following actions:

- 1) Approve an award to Quality Management Group (QMG) to provide Property Management Services for the City of Pomona Housing Authority to begin services on or before November 1, 2022 through October 31, 2025, with an option to extend for two one-year extensions;
- 2) Authorize the Executive Director of the Housing Authority or designee, to execute the contract, any extensions or amendments thereto on behalf of the Housing Authority, subject to review by the City Attorney.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to approve an award to Quality Management Group (QMG) to provide Property Management Services for the City of Pomona Housing Authority to begin services on or before November 1, 2022 through October 31, 2025, with an option to extend for two one-year extensions; and authorize the Executive Director of the Housing Authority or designee, to execute the contract, any extensions or amendments thereto on behalf of the Housing Authority, subject to review by the City Attorney.**

3. Authorize the Acceptance of the State of California Office of Traffic Safety Pedestrian and Bicycle Safety Grant

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2022-158 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY PEDESTRIAN AND BICYCLE SAFETY GRANT IN THE AMOUNT OF \$47,304 AND AMENDING THE FY 2022-23 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS BY \$47,304**

- 2) 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.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2022-158.**

4. Authorize the Acceptance of the State Of California Office of Traffic Safety Selective Traffic Enforcement Program Grant

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2022-157 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF \$485,000 AND AMENDING THE FY 2022-23 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$485,000**

- 2) 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.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0 to adopt Resolution No. 2022-157.**

5. Approve First Amendment to Professional Services Agreement with Dudek, in the Amount of \$36,250 for the "Water Resources Building" Project

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

- 1) Approve the First Amendment to Professional Services Agreement with Dudek, in the amount of \$36,250 (for a contract total of \$233,370) for the "Water Resources Building" Project; and,
- 2) Authorize the City Manager, or designee, to sign the attached agreements.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0 to approve the First Amendment to Professional Services Agreement with Dudek, in the amount of \$36,250 (for a contract total of \$233,370) for the "Water Resources Building" Project; and authorize the City Manager, or designee, to sign the attached agreements.**

6. Award of Design Contract to Architerra Design Group for "Park Restroom Construction and Replacement"

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

- 1) Award a contract to Architerra Design Group in the amount of \$475,040 for the

design development and preparation of construction documents for the replacement of existing restroom structures at Tony Cerda and John F. Kennedy Parks and the addition of new restroom buildings at Washington, Palomares, and Cesar Chavez Parks for "Park Restroom Construction and Replacement," Project No. 428-2590-XXXXX-71079; and

- 2) Authorize the City Manager to execute the contract and any subsequent amendments or change orders, subject to review by the City Attorney.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0 to award a contract to Architerra Design Group in the amount of \$475,040 for the design development and preparation of construction documents for the replacement of existing restroom structures at Tony Cerda and John F. Kennedy Parks and the addition of new restroom buildings at Washington, Palomares, and Cesar Chavez Parks for "Park Restroom Construction and Replacement," Project No. 428-2590-XXXXX-71079; and authorize the City Manager to execute the contract and any subsequent amendments or change orders, subject to review by the City Attorney.**

7. Adopt a Resolution Approving an Integrated Resource Plan for Pomona Choice Energy Community Choice Aggregation Program

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

**RESOLUTION NO. 2022-193 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN INTEGRATED RESOURCE PLAN FOR POMONA CHOICE ENERGY COMMUNITY CHOICE AGGREGATION PROGRAM**

**\*This item was pulled by Vice Mayor Ontiveros-Cole and Councilmember Torres for a separate vote.**

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GARCIA, CARRIED 5-2 (VICE MAYOR ONTIVEROS-COLE, AND COUNCILMEMBER TORRES OPPOSED), to adopt Resolution No. 2022-193.**

8. Award a Contract to R Dependable Construction for Tenant Improvements to 2040 N. Garey Avenue, Pomona, CA

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

- 1) Award a contract to R Dependable Construction Inc. for the tenant improvements for 2040 N. Garey Avenue, Pomona, CA in the amount of \$209,972; and,
- 2) Authorize the City Manager to execute the contract and any subsequent change orders on behalf of the City, upon City Attorney approval.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0 to award a contract to R Dependable Construction Inc. for the tenant**



**improvements for 2040 N. Garey Avenue, Pomona, CA in the amount of \$209,972; and authorize the City Manager to execute the contract and any subsequent change orders on behalf of the City, upon City Attorney approval.**

9. Approve a Sole Source Agreement with HdL Companies for Rental Property Registration Services

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

- 1) Approve a sole source professional services agreement to HdL Companies, not to exceed a maximum annual amount of \$30,000 for Rental Registration Administration Services; and
- 2) Authorize the City Manager to execute a three-year agreement, with two one-year renewal options, with HdL Companies and any subsequent documents or amendments, subject to review and approval by the City Attorney.

**\*This item was pulled by Councilmember Lustro and for public comment.**

Public speaker, M. Joyce Bakersmith, had questions regarding the outsourcing of services.

Public speakers Gregory Burke Estel and Cathy Tessier spoke in opposition of this item.

Deputy City Manager Pelser responded to clarify some of the concerns posed by public speakers.

Councilmembers asked questions and made comments regarding this item.

**MOTION BY COUNCILMEMBER NOLTE, SECOND BY MAYOR SANDOVAL, CARRIED 5-2 (VICE MAYOR ONTIVEROS-COLE, AND COUNCILMEMBER TORRES OPPOSED), to Approve a sole source professional services agreement to HdL Companies, not to exceed a maximum annual amount of \$30,000 for Rental Registration Administration Services; and Authorize the City Manager to execute a three-year agreement, with two one-year renewal options, with HdL Companies and any subsequent documents or amendments, subject to review and approval by the City Attorney.**

10. Authorization to apply for and receive an award of Housing Accelerator Funds from the California Department of Housing and Community Development for the East End Village Affordable Housing Project.

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2022-196 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO BE A CO-APPLICANT AND CO-RECIPIENT OF CALIFORNIA HOUSING ACCELERATOR FUNDS THROUGH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE EAST END VILLAGE AFFORDABLE HOUSING PROJECT IN THE CITY OF POMONA**

- 2) Authorize the City Manager to enter into, execute, and deliver a Standard Agreement (STD213) in an amount not to exceed \$45,000,000, and any and all other documents required or deemed necessary or appropriate to secure the California Housing Accelerator Loan from the California State Department of Housing and Community Development ("HCD") and to participate in the California Housing Accelerator program, and all amendments thereto (collectively, the "California Housing Accelerator Loan Documents"); and
- 3) Authorize the City Manager and City Attorney to make non substantive changes or corrections that may be required by HCD.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2022-196.**

### **DISCUSSION CALENDAR**

11. 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
  - A) Amount to be determined to Victory Outreach in support of Thanksgiving Outreach: Requested Amount: \$3,000
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0 to make a finding of public benefit for Item A.**

12. Approve a Resolution Providing Notice of Intent to Award an Exclusive Franchise Agreement to Arakelian Enterprises, Inc. dba Athens Services for Residential and Commercial Solid Waste, Recyclable Materials, and Organic Waste Collection Services and

Setting the Public Hearing to Introduce a Solid Waste Franchise Ordinance

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

**RESOLUTION NO. 2022-194 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DECLARING ITS INTENT TO AWARD AN EXCLUSIVE FRANCHISE AGREEMENT TO ARAKELIAN ENTERPRISES, INC. DBA ATHENS SERVICES FOR RESIDENTIAL AND COMMERCIAL SOLID**

**WASTE, RECYCLABLE MATERIALS, AND ORGANIC WASTE COLLECTION  
SERVICES AND SETTING THE PUBLIC HEARING TO INTRODUCE A SOLID  
WASTE FRANCHISE ORDINANCE**

Public Works Director Rene Guerrero gave a presentation to Council.

**\*Please see attachment for emails submitted regarding this item.**

Public Comment was as follows:

The following speakers spoke in opposition to the item

Carlos Gonzales

Richard Nino

Cathy Tessier

The following speakers spoke in support of the item

Bre Burger

Susan Catone

Carlos Rodriguez

Gary Clifford

Ernesto Alonso Villegas

Victor H. Barrera

Valentin Martinez

Samuel Morales

Gabriel Duran

Tyler M. Cole

Steve Kanow

Ellie R O'Bosky spoke about the need for including protections for local community compost groups in the franchise agreement.

Elinor Crescenzi requested that the bidders be evaluated on environmental justice factors, community engagement, and give more time to the community to give more input on the franchise agreement.

Danielle Soto requested Council to put a lot of thoughtful care into weighing the options of how to move forward with this decision.

Consultants Ryan Caulkins, and Jim Howison, from R3 Consulting Group gave a presentation on how the proposals were evaluated from different trash hauling companies.

Councilmembers asked questions to staff and made comments regarding this item.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER NOLTE, CARRIED  
6-1 (COUNCILMEMBER PRECIADO OPPOSED) to approve Resolution No. 2022-194.**

Mayor Sandoval paused the meeting for a break at 10:08 p.m.

Meeting resumed at 10:13 p.m.

### **PUBLIC HEARINGS**

13. Amend the City of Pomona Master Fee Schedule to Add Concealed Carry Weapon (CCW) License Fees and Approve a Contract with Permitium to Assist in the Processing of CCW Applications

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2022-178 - A RESOLUTION OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN AMENDMENT TO THE FISCAL YEAR (FY) 2022-23 MASTER FEE SCHEDULE TO ADD CONCEALED CARRY WEAPON (CCW) LICENSE FEES**

- 2) Approve the sole source purchase of a web-based computer program from Permitium to assist in the processing of CCW applications, in the amount not-to-exceed \$3,000 annually; and
- 3) Authorize the City Manager, or designee, to execute any and all agreements on behalf of the City, subject to review and approval as to form by the City Attorney.

Corporal Max Moya gave the staff presentation.

The Mayor opened the public hearing and with no comments, the Mayor closed the public hearing.

Councilmembers asked questions to staff and made comments regarding this item.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 6-0-1 (COUNCILMEMBER TORRES ABSENT) to adopt Resolution No. 2022-178.**

### **ADJOURNMENT**

The City Council Meeting adjourned at 10:32 p.m. on October 17, 2022.

Respectfully submitted,

ATTEST:

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

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