

MINUTES
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION/HOUSING AUTHORITY
OF THE
CITY OF POMONA
CITY COUNCIL CHAMBERS
505 SOUTH GAREY AVENUE
SPECIAL MEETING/STUDY SESSION/CLOSED SESSION
JULY 11, 2005
5:00 P.M.

5:00 P.M. CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

(Pursuant to Subdivision (a) of Government Code Section 54956.9)

- City of Pomona vs. California Acrylic Industries, Inc.

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(a) Two matters regarding significant exposure to litigation will be discussed

(Pursuant to Subdivision (b)(1) of Government Code Section 54956.9)

(b) One matter regarding litigation to be initiated will be discussed

(Pursuant to Subdivision (c) of Government Code Section 54956.9)

3. CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

- Pomona Mid Management/Confidential Employees Association (PMMCEA)
- Pomona Chapter of the San Bernardino Public Employees Association (PCEA)

Labor Negotiators: Douglas Dunlap and Miles Crafton

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

(a) Property: Northeast corner of Mission Blvd. & Palomares Street

Negotiating Party: University City Partners, LLC

Agency's Negotiators: Douglas Dunlap, Executive Director

Under Negotiation: Both Price and Terms

(b) Properties: 556-790 and 539-795 E. Foothill; 3515 N. Towne Ave. and
3624 Lynoak Drive

Negotiating Party: Lewis Investments, LLC

Agency's Negotiators: Douglas Dunlap, Executive Director

Under Negotiation: Terms of Sale

(c) Properties: 8348-009-001 thru 034; 8348-010-006 thru 035; and
8348-011-008 thru 037
Negotiating Party: Various Parties
Agency's Negotiators: Douglas Dunlap, Executive Director
Under Negotiation: Both Price and Terms

CITY ATTORNEY REPORT

- Item 1 - City Council received a briefing from Special Counsel; direction was provided to Legal Counsel and no final action was taken.
- Item 2a - City Council received a briefing on these two items and there was no final action taken.
- Item 2b - City Council received a briefing from Legal Counsel and there was no direction taken with respect to this matter.
- Item 3 - City Council received a briefing from the City's negotiators and direction was provided; however, there was no final action taken with respect to the ongoing labor negotiations.
- Item 4a, b, c-
The Community Development Commission received a briefing from Agency Staff. There was direction provided; however, no final action was taken.

STUDY SESSION

Vice Mayor Robles called the regular meeting to order at 6:15 p.m. in the City Council Chambers.

ROLL CALL: Present: George E. Hunter, Councilmember, 1st District
Marco Robles, Councilmember, 2nd District
Daniel R. Rodriguez, Councilmember, 3rd District
Norma J. Torres, Councilmember, 6th District (*arrived at 6:20 p.m.*)
Paula Lantz, Councilmember, 4th District
Elliott Rothman, Councilmember, 5th District

Absent: Edward S. Cortez, Mayor (*Excused*)

Others Present: Douglas Dunlap, City Manager
Richard Adams, Assistant City Attorney
Marie Macias, City Clerk
Elvie Santos, Deputy City Clerk

**MOTION BY COUNCILMEMBER LANTZ, SECOND BY COUNCILMEMBER RODRIGUEZ,
CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) EXCUSING
MAYOR CORTEZ.**

PLEDGE OF ALLEGIANCE: Councilmember Daniel R. Rodriguez

INVOCATION: Councilmember Daniel R. Rodriguez

STUDY SESSION

A. REVIEW OF THE POMONA PARK VILLAGE DEVELOPMENT PROPOSAL (MERUELO PROJECT)

Deputy Executive Director Raymond Fong introduced Mr. Richard Meruelo who provided a brief overview of the proposal.

Mr. Meruelo indicated that they proposed to build out the park and maintain it through homeowners association fees. He was glad to know that there was great interest in soccer within the City. He advised that the proposal could be accomplished with their funds, not City funds, and could be put into use within a 12-month time period.

Mr. Meruelo introduced Mr. Steve Kellenberg, EDAW Representative, who provided a power point presentation on the Pomona Park Village Proposal (development of a nearly sixty-acre site bounded by West Mission Boulevard on the south, Humane Way on the west, the Metrolink tracks on the north and Freeway 71 on the east).

Mr. Kellenberg discussed the following:

- Opportunities and Constraints
- Guiding Principles
- Planning Criteria
- Urban Design Elements
- Proposed Master Plan

Councilmember Lantz expressed concern with the proposed construction of the soccer field within a twelve-month period, when the property it was located on had a lease that extended out a year, or two; the public building referenced in the plaza was not included with Phase I development; the need for additional school sites.

Councilmember Rothman questioned Deputy Executive Director Fong on the status of the General Plan Update. Mr. Fong deferred to Interim Community Development Director Andre Duprét. Mr. Duprét informed that a Public Workshop was forthcoming and the intent was to complete the process by May 2006.

City Manager Douglas Dunlap noted that there was a letter from Dyett & Bhatia, General Plan Consultant, concerning the particular location and the plan was to keep it as an economic development opportunity in the General Plan.

Councilmember Rothman expressed concern with the servicing of a large influx of people when the City already had trouble servicing the needs of its current residents. He directed staff to include the potential for job creation with the Youth Master Plan Study Session.

Councilmembers expressed concern with contamination, traffic circulation and water supply. They were advised that these concerns would be addressed in the Environmental Impact Report (EIR).

Councilmember Rothman was opposed to anything that would compromise the soccer complex that Council had already approved and promised to the citizens of Pomona.

City Manager Dunlap advised that the project would incorporate the sports field that had already been approved and that staff was seeking direction from Council to work with the developer on this project or to continue along the line of an economic development type of project. He indicated that it appeared that Council was not interested in providing the property for the proposed development. He advised Council of the need to amend the DDA to provide for residential development as opposed to the development that was outlined in the original DDA. He added that this was a separate public hearing process. However, he mentioned that staff could place the item on a future agenda with some staff recommendation based on this discussion. The City Manager's recommendation was well received by the City Council.

Councilmember Torres requested staff go back to the drawing table and address the need for retail opportunities (a place to shop and entertain).

Councilmember Rothman reiterated that Council consensus had been not to sell the park land.

GENERAL CONSENSUS OF THE CITY COUNCIL (6-0) CORTEZ EXCUSED, WAS NOT TO SELL THE PROPERTY.

COUNCIL RECESS – From 7:22 p.m. to 7:27 p.m.

APPOINTMENTS

- B. APPOINTMENT TO FILL VACANCY ON THE VEHICLE PARKING DISTRICT COMMISSION AND ADMINISTRATION OF OATH OF OFFICE (DISTRICT 1)

MOTION BY COUNCILMEMBER ROTHMAN, SECOND BY COUNCILMEMBER HUNTER, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, APPROVING THE APPOINTMENT OF MICHAEL J. ALTENHOFEN TO THE VEHICLE PARKING DISTRICT, DISTRICT 1 BY COUNCILMEMBER GEORGE HUNTER.

City Clerk Marie Macias advised that a vote was not necessary for the appointment.

Councilmember Lantz expressed concern that there was no material included with the Council packet and asked that it be included in the future.

The City Clerk administered the Oath of Office to newly appointed VPD Commissioner Michael J. Altenhofen. Mr. Altenhofen was congratulated by members of Council.

PRESENTATIONS

- C. PRESENTATION OF "EMPLOYEE OF THE MONTH" AND "CUSTOMER CARE EMPLOYEE OF THE MONTH" FOR APRIL 2005

Employee of the Month

"Team Award"

Sara Perez – Utility Services

Vinson Carstensen – Utility Services

Janet Carter – Utility Services

Jorei Schanaible - ACS

Customer Care Employee of the Month

Barry Bolduc – Community Development

The aforementioned employees were recognized for their outstanding service to the City.

D. APPROVAL AND PRESENTATION OF PROCLAMATION AND GODDESS AWARD

- 1) Honoring Mr. Jose Morales, Teacher at Park West High School, in recognition and appreciation for his public service, which has resulted in a positive impact on the community and residents of the City of Pomona.
- 2) Goddess Award to Mr. Michael Schowalter for his service to the community by serving on the Vehicle Parking District from 10/04/99 through 6/10/05.

MOTION BY COUNCILMEMBER ROTHMAN, SECOND BY COUNCILMEMBER HUNTER, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, APPROVING THE PRESENTATION OF A PROCLAMATION HONORING MR. JOSE MORALES AND THE GODDESS AWARD TO MR. MICHAEL SCHOWALTER AT A FUTURE DATE.

COUNCIL COMMUNICATIONS: 7:35 -7:49 p.m.

Councilmember Torres acknowledged Public Information Officer Monique Valadez for her assistance to the Council and the community. She also acknowledged Mr. Paul Weisund, long time Pomona resident, for his service to the community.

Councilmember Hunter discussed the illegal use of fireworks in his district on a regular basis, which created a hazard to the quality of life and a fire hazard to the community. He requested an increase to the fines and advised that the increase be publicized prior to the 4th of July, as well as the fact that fireworks are illegal in the City. He urged everyone to get the message out to the community.

Councilmember Rothman recognized Jackie McHenry, Claremont Council Member.

Vice Mayor Robles discussed a recent interview with CNN concerning sex offenders in the City. He mentioned that through the efforts of the Public Information Official (PIO) Monique Valadez, he and other City representatives had been able to visit Sacramento and had addressed the press at a media conference. He added that Assembly Member Chu from San Gabriel Valley was sponsoring AB 632, which would create a Board to coordinate the efforts from the State level down to the local level. He stressed the need to continue this effort and support Bills such as AB 632. He expressed his hope that this bill would be signed by the Governor.

Vice Mayor Robles announced that he had attended the Independent Cities Association (ICA) Conference and a budget update had been provided. He indicated that based on the numbers identified, funds owed from the State of California to the City would hopefully be paid to the City.

Vice Mayor Robles reiterated concerns previously expressed regarding the illegal use of fireworks. He urged Council to address this issue in preparation for the upcoming year.

Councilmember Lantz recognized Mr. David Allen. She also acknowledged Councilmember Robles for his interview with CNN regarding housing of sex offenders and expressed gratitude for his travel to Sacramento that took him away from family and other things in order to testify. She encouraged the community to review this bill and express their support.

PUBLIC PARTICIPATION: 7:50 – 8:50 P.M.

Henry Rodriguez (child) advised that the house his family lived in had mold, which caused his brother and sister to be sick. He stated that Councilmember Hunter had visited his house and did nothing to help them.

Ms. Brandy Tafoya (mother of Henry Rodriguez) spoke about the same issue and sought assistance from the City Council.

Vice Mayor Robles directed staff to talk with Ms. Tafoya regarding her problem.

Bill Orr, Robbins Antique Mart, spoke about his wife, Lisa Orr, who testified in Sacramento for Senator Nell Soto's Bill to ensure the rights of all property owners to participate in their own government. He spoke about DPOA inadequacies. He noted that all actions of DPOA fall under the Brown Act; however, the posting of the meeting agendas was limited to the lower window of New York Delight Restaurant. He indicated that he had never seen an Agenda posted at the City Council Chambers, City Hall or Library, for which he had taken pictures for evidence. He also spoke about Councilmember Robles as a DPOA member who had attended only two of at least ten meetings. According to the By-Laws, a Board Member cannot miss more than three consecutive times without expulsion.

Lisa Orr, Robbins Antique Mart, spoke about the DPOA Board that does not reflect the 82 property owners and excluded religious institutions and financial institutions. She also spoke about Senator Nell Soto's "Bill" that the Board refused to support. She asked Council to ensure that everybody was represented and not just a few.

Don Hokanson, Emerson Village, spoke about his service on various City Commissions, including the Central Business District. He spoke about the Central Business District meetings that were controversial as to who could participate and who could not. He requested support and guidance from Vice Mayor Robles.

John Mendoza, Pomona resident, spoke about a petition he had circulated prior to the July 4th event and stated that he had not received a response from the City Council. He spoke about other cities that cite individuals for illegal fireworks. He urged Council to take serious consideration and establish an ordinance for fines to stop individuals from these hazardous activities prior to next year's event.

CONSENT CALENDAR – ITEMS 1 THROUGH 17

The City Clerk received speaker cards from the public for Items 15, 16 and 17. Councilmember Hunter requested Item No. 5 be removed for discussion. Councilmember Rodriguez requested Item No. 6 be

removed for discussion. Councilmember Lantz requested Items 7 and 11 be removed for discussion and Councilmember Torres requested Item No. 8 be removed for discussion.

MOTION BY COUNCILMEMBER ROTHMAN, SECOND BY COUNCILMEMBER HUNTER, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, APPROVING CONSENT CALENDAR ITEMS 1 THROUGH 17, EXCEPT ITEMS 5, 6, 7, 8, 11, 15, 16 AND 17 REMOVED FOR DISCUSSION.

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| 1. MINUTES: REGULAR MEETING -- JUNE 20, 2005 | APPROVED, 6-0
CORTEZ, EXCUSED |
| 2. AWARD OF CONSTRUCTION CONTRACT TO A. R. SARMIENTO, INC. IN THE AMOUNT OF \$186,390 FOR WATER MAIN REPLACEMENT – SECOND STREET, PROJECT NO. 575-93772 | APPROVED, 6-0
CORTEZ, EXCUSED |
| 3. AUTHORIZATION TO ENTER INTO A MONTH-TO-MONTH AGREEMENT WITH ARTISTIC MAINTENANCE, INC. TO ALLOW SUFFICIENT TIME FOR BID OF NEW CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES IN THE PHILLIPS RANCH ZONES A AND B LIGHTING AND LANDSCAPE ASSESSMENT DISTRICT | APPROVED, 6-0
CORTEZ, EXCUSED |
| 4. APPROVAL OF A TWO-YEAR AGREEMENT WITH MISSION RECYCLING FOR PROCESSING, TRANSPORTATION AND RESIDUAL DISPOSAL SERVICES FOR WHICH THE CITY WILL RECEIVE \$263,394 PER YEAR IN REVENUE TO THE REFUSE FUND | APPROVED, 6-0
CORTEZ, EXCUSED |
| 5. REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION. | |
| 6. REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION. | |
| 7. REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION. | |
| 8. REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION. | |
| 9. AWARD OF SOLE SOURCE PROFESSIONAL SERVICES AGREEMENT TO PARAGON PARTNERS IN AN AMOUNT NOT TO EXCEED \$80,000 FOR TEMPORARY PROJECT MANAGEMENT STAFFING | APPROVED, 6-0
CORTEZ, EXCUSED |
| 10. AUTHORIZATION TO DESTROY CERTAIN FINANCE DEPARTMENT RECORDS | APPROVED, 6-0
CORTEZ, EXCUSED |
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--RESOLUTION NO. 2005-67: A Resolution of the City Council of the City of Pomona authorizing the destruction of certain records as set forth in the Records Retention Schedule established for the Finance Department. | |
| 11. REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION. | |

12. CHANGE OF ZONE (CA 04-005) – SECOND READING AND ADOPTION OF ORDINANCE APPROVED, 6-0
CORTEZ, EXCUSED

--ORDINANCE NO. 4030: An Ordinance of the City Council of the City of Pomona approving Change of Zone (CZ) 04-005 amending the zoning classification from R-2-S (Low Density Multiple-Family Residential with a Supplemental Overlay) to R-2-PD (Low-Density Multiple Family with a Planned Development Overlay) Zone on a property located at 650-690 West Grand Avenue.

*Effective Date:
August 10, 2005*

The introduction and first reading of Ordinance No. 4030 was approved on June 6, 2005 by a unanimous voice vote (5-2) of the members present (Cortez/Torres excused) and will become effective thirty(30) days following second reading.

13. ACCEPTANCE OF THE 2005 WATER AND SEWER MASTER PLANS RECEIVED/FILED, 6-0
CORTEZ, EXCUSED
14. LEGISLATIVE ADVOCACY – STAFF RECOMMENDATIONS APPROVED, 6-0
CORTEZ, EXCUSED
15. REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION.
16. REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION.
17. REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION.

ITEMS REMOVED FOR DISCUSSION

5. AWARD OF CONTRACT IN THE AMOUNT OF \$266,798 TO DESIGN SPACE MODULAR BUILDINGS, INC. FOR CONSTRUCTION AND INSTALLATION OF A MODULAR COMMUNITY CENTER AT KENNEDY PARK – DECLARATION OF CATEGORICAL EXEMPTION FOR KENNEDY PARK RENOVATION – APPROPRIATION OF PROPOSITION 40 ROBERTI-Z'BERG BLOCK GRANT FUNDS IN THE AMOUNT OF \$50,000 AND APPROPRIATION OF PARK DWELLING TAX FUNDS IN THE AMOUNT OF \$25,000 FOR PROJECT NO. 111-64479, KENNEDY PARK RENOVATION (DISTRICT 1)

--RESOLUTION NO. 2005-66: A Resolution of the City Council of the City of Pomona declaring a categorical exemption pursuant to Article 19, Section 15303 of the Guidelines for Implementation of the California Environmental Quality Act for Capital Improvement Project No. 111-64479, Kennedy Park Renovation.

Councilmember Hunter announced that this would be the second community center in District 1, which was funded through Community Development Block Grant (CDBG) funds. He mentioned that this was not as grand as the other facilities in the community, but would be a great addition to Kennedy Park and would have an immeasurable value to the community in terms of a place to meet and recreate.

MOTION BY COUNCILMEMBER HUNTER, SECOND BY COUNCILMEMBER ROTHMAN, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, (1) APPROVING AWARD OF CONTRACT IN THE AMOUNT OF \$266,798 TO DESIGN SPACE MODULAR BUILDINGS, INC. FOR CONSTRUCTION AND INSTALLATION OF A MODULAR COMMUNITY CENTER AT KENNEDY PARK; (2) ADOPTING RESOLUTION NO. 2005-66; (3) APPROPRIATING PROPOSITION 40 ROBERTI-Z'BERG BLOCK GRANT FUNDS IN THE AMOUNT OF \$50,000 TO KENNEDY PARK RENOVATION; AND (4) APPROPRIATING PARK DWELLING TAX IN THE AMOUNT OF \$25,000 TO KENNEDY PARK RENOVATION.

6. NAMING OF THE COMMUNITY CENTER IN THE ANGELA-CHANSOR NEIGHBORHOOD

Councilmember Rodriguez thanked the community for their efforts in the naming of the new community center "Renacimiento Center."

Councilmember Rodriguez took the opportunity to clarify misinformation gathered through a flier at the hands of Arturo Jimenez and Cristina Carrizosa who continued to divide and take the City apart. He informed that the community would not tolerate this action.

Councilmember Rodriguez advised that he was a proud partner with Southern California Dream Center for their work in the community to change families' livelihood. He added that he was also a proud partner of Telacu, who had taken the part of the neighborhood no one wanted to own and had given it back to the community. He publicly thanked Anna Gonzales who was a healing agent in the community and continued to stand up for what was right for the families in the community.

Cristina Carrizosa, Pomona resident, spoke in support of the community center. She denied distributing the flier against Councilmember Rodriguez.

Arturo Jimenez, Pomona resident, spoke in support of the community center and denied having anything to do with the flier Councilmember Rodriguez mentioned earlier.

MOTION BY COUNCILMEMBER HUNTER, SECOND BY COUNCILMEMBER ROTHMAN, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, APPROVING THE PROPOSED NAME "RENACIMIENTO CENTER" FOR THE COMMUNITY CENTER IN THE ANGELA-CHANSOR APARTMENT COMPLEX, LOCATED AT 305 ORCHID STREET.

7. RECEIPT OF FEDERALLY REQUIRED ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE REPORT

Councilmember Lantz requested clarification on recommendations listed under page 4 of 4 to revise the Zoning Code based on recommendations in the study. She expressed that it was not in the best interest of the City. She questioned the recommendation to "Incorporate Fair Housing Act Accessibility guidelines into applicable planning, building and zoning documents and actions" if it was supported by information that was in the analysis. She also inquired about the recommendation to "Conduct an examination of home mortgage lending credit market to increase African-American and Hispanic

mortgage originations within the City.” She commented that the idea of taking that on as a City was overwhelming and inappropriate for the City to consider spending money on analyzing what had been a national problem for many years and not unique to the City.

Housing Manager Benita DeFrank responded that the document was a federally required document and the recommendations were from the entity that put the report together. She explained that the “receive and file” was not an approval of any of the recommendations. She added that any of the recommendations that would be enacted would be submitted to Council for approval.

MOTION BY COUNCILMEMBER LANTZ, SECOND BY COUNCILMEMBER HUNTER, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, TO RECEIVE AND FILE THE FEDERALLY REQUIRED ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND THAT ANY RECOMMENDATIONS WOULD BE PRESENTED TO COUNCIL FOR APPROVAL PRIOR TO ENACTMENT.

8. REQUEST TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN APPEAL OF A PROPOSED VINTAGE CAR SALES FACILITY LOCATED AT 2542 N. TOWNE AVENUE – CONDITIONAL USE PERMIT 05-006 (DISTRICT 6)

Councilmember Torres was not opposed to the public hearing. She discussed information she had requested regarding conditions, balloons, fliers, music and public announcement systems. She noted that ultimately, the City would continue to look like the quilt that they were trying to move away from.

Vice Mayor Rodriguez agreed with Councilmember Torres. He stated that he had discussed this with the applicant and their only concern was the issue of vehicles.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ROTHMAN, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, SCHEDULING A PUBLIC HEARING FOR AUGUST 1, 2005 TO CONSIDER AN APPEAL OF A PROPOSED VINTAGE CAR SALES FACILITY LOCATED AT 2542 N. TOWNE AVENUE – CONDITIONAL USE PERMIT 05-006 (DISTRICT 6)

11. CONDITIONAL USE PERMIT (CUP) 04-051 – APPROVAL OF A FINDING OF PUBLIC CONVENIENCE AND NECESSITY TO ALLOW OFF-SALE BEER AND WINE (TYPE 20) LICENSE IN CONJUNCTION WITH A GAS STATION/MINI-MART LOCATED AT 1518 NORTH GAREY AVENUE (DISTRICT 4)

--RESOLUTION NO. 2005-__: A Resolution of the City Council of the City of Pomona adopting a Finding of Public Convenience and Necessity for a requested Off-Sale Beer and Wine (Type 20) License for property located at 1518 N. Garey Avenue.

Councilmember Lantz informed that she had pulled this item because many things were done by arbitrary census, districts and so forth. She noted that this mini mart with a service station was in the heart of some of the most difficult, homeless and drug-using areas. She advised that the Police Report listed four or five offsite sales of alcohol. However, the sites referred to were located at the absolute, furthest, northwest corner. She stated that the alcohol sales referred to were on Holt Avenue (half a mile away) and the report failed to mention three locations. She informed that there was a liquor store on the

other side of Garey Avenue, three to four blocks immediately across the street and less than a block away; a Sav-On Drug Store with full service liquor store was located about two blocks away; and Stater Brothers, also with a full service liquor store, was located at Alvarado and Garey. She discussed the problems with drug use and the homeless evident in the alley, the onramp off the freeway, and the parking lot under the freeway. She stressed that this proposal would be a 24-hour facility and would dramatically impact the area where the City would like to improve the major arterial corridor. Therefore, she urged Council not to adopt a finding of public convenience and necessity.

Vice Mayor Robles recused himself from the City Council Chambers due to conflict of interest and deferred to Councilmember Hunter to preside at the meeting.

Councilmember Hunter commented that the gas station directly south of the Bravo Burger on Orange Grove and White Avenue had a number of homeless people and someone had broken into it. He advised that after contacting the Police Department, he had been informed that one of the vagrants had a \$30,000 warrant out for his arrest. He mentioned that there was a huge problem with alcohol and drugs in the area.

MOTION BY COUNCILMEMBER LANTZ, SECOND BY COUNCILMEMBER HUNTER, CARRIED BY A ROLL CALL VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, DENYING THE APPROVAL OF A RESOLUTION OF NECESSITY DENYING AN OFF-SALE BEER AND WINE (TYPE 20) LICENSE IN CONJUNCTION WITH A GAS STATION/MINI-MART LOCATED AT 1518 N. GAREY AVENUE (COUNCIL DISTRICT 4).

Vice Mayor Robles returned to the City Council dais.

15. DISPOSITION OF SURPLUS CITY PROPERTY TO THE SCHOOL OF ARTS AND ENTERPRISE

Lisa Orr, Robbins Antique Mart, discussed a trash problem along Antique Row as a result of their need for trash cans. She discussed Item No. 15, which would dispose surplus City property to the School of Arts and Enterprise owned by the Tessiers'. She was opposed to the City's donation of surplus property to the Tessiers'. She inquired about the City's policy on the distribution of surplus items and stated there should be a fair way to dispose of surplus property.

Councilmember Rothman inquired and Community Services Director Jeff Porter informed that the picnic tables, metal benches and concrete trash receptacles were no longer usable (rusted, broken, unsafe and out of service). He added that an Indemnification Agreement had been included that would hold the City harmless. There was brief discussion on the proposed use of these surplus items.

Councilmember Hunter inquired and Director Porter advised that he would look into Mrs. Orr's concern with the lack of trash cans along Second Street, and if deemed necessary, they would put them out.

Councilmember Lantz questioned and Director Porter responded that the Community Services Department had a contractor who provided trashcans along Second Street. She requested an update be provided to Council on the need for trashcans and the criteria for placement.

Councilmember Lantz mentioned that she had been made aware of a number of monitors and computers in the computer area that were worthless (no resale value). She mentioned that they worked fine and

could be used by the neighborhood community centers. She requested feedback on the value and the process involved in some of the City's technical equipment, along with the update for the need for trashcans.

MOTION BY COUNCILMEMBER LANTZ, SECOND BY COUNCILMEMBER HUNTER, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, APPROVING DISPOSITION OF SURPLUS CITY PROPERTY TO THE SCHOOL OF ARTS AND ENTERPRISE.

16. AMENDMENT TO ORDINANCE PROHIBITING VEHICLES PARKED FOR SALE TO INCLUDE 100 YARDS ON SIDE STREETS ADJACENT TO HOLT AVENUE AND MISSION BOULEVARD

--URGENCY ORDINANCE NO. 4032: An Ordinance of the City Council of the City of Pomona amending Section 58-236(a) of the Pomona City Code by adding all streets adjacent to Mission Boulevard and Holt Avenue for a distance of 100 yards therefrom to the list of major City streets and highways where parking vehicles for the purpose of advertising or displaying them for sale is prohibited.

Don Hokanson, Emerson Village, spoke about "for sale" vehicles parked in front of the Ebell Club. He expressed concern with the lack of parking for individuals visiting the Ebell Club and also mentioned that this was an eyesore. He expressed support for the ordinance.

Councilmember Hunter advised that side streets have become used car lots throughout the City. He was happy to see the 100 yards and noted that many cars were being parked in the area mentioned by Mr. Hokanson without "for sale" signs. He stated that he hoped Code Enforcement would be especially assiduous in that area.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER HUNTER, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, ADOPTING URGENCY ORDINANCE NO. 4032 AMENDING SECTION 58-236(a) OF THE POMONA CITY CODE BY ADDING ALL STREETS ADJACENT TO MISSION BLVD. AND HOLT AVE. FOR A DISTANCE OF 100 YARDS THEREFROM TO THE LIST OF MAJOR CITY STREETS AND HIGHWAYS WHERE PARKING VEHICLES FOR THE PURPOSE OF ADVERTISING OR DISPLAYING THEM FOR SALE IS PROHIBITED.

17. ZONING ORDINANCE PERTAINING TO ADULT CABARETS AND THEATERS - SECOND READING AND ADOPTION OF ORDINANCE

--ORDINANCE NO. 4031: An Ordinance of the City Council of the City of Pomona approving CA 05-003 amending Section .5809-5 E(9)(a) of the Zoning Ordinance pertaining to Adult Cabarets and Theaters.

The introduction and first reading of Ordinance No. 4031 was approved on June 20, 2005 by a unanimous voice vote (4-0) of the members present (Cortez/Lantz/Rothman excused) and will become effective thirty(30) days following second reading.

MOTION BY COUNCILMEMBER HUNTER, SECOND BY COUNCILMEMBER TORRES, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, ADOPTING AT SECOND READING ORDINANCE NO. 4031 APPROVING CODE AMENDMENT 05-003 AMENDING SECTION .5809-5 E(9)(a) OF THE ZONING ORDINANCE PERTAINING TO ADULT CABARETS AND THEATERS.

Councilmember Torres requested Item No. 19 be heard prior to Item No. 18 due to the fact that she had to leave early in order to go to work.

MOTION BY COUNCILMEMBER LANTZ, SECOND BY COUNCILMEMBER TORRES, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) CORTEZ EXCUSED, TAKING THE ITEMS OUT OF ORDER TO HEAR ITEM NO. 19 PRIOR TO ITEM NO. 18.

OLD BUSINESS

19. REQUEST BY COUNCILMEMBER PAULA LANTZ FOR RECONSIDERATION OF COMMUNITY DEVELOPMENT COMMISSION COMPENSATION AND CONSIDERATION OF RESCINDING THE ORDINANCES ENACTING THE COMMUNITY DEVELOPMENT COMMISSION AND DESIGNATING THE CITY COUNCIL AS THE COMMISSION MEMBERS

Councilmember Torres mentioned that everyone was eager to speak on this item.

It was moved and seconded by Councilmembers Torres and Rodriguez that the Community Development Commission receive the same benefits, no more and no less, than the Redevelopment Agency received.

The following individuals spoke in opposition to the Community Development Commission compensation as previously approved and urged the Council to rescind the ordinance:

- Mr. Bill Orr
- Ms. Katie Lin Orr
- Mrs. Lisa Orr
- Mr. Milo Rodich
- Mr. Paul Weisund
- Mr. John Mendoza
- Mr. Arturo Jimenez
- Ms. Cristina Carrizosa

Councilmember Torres was excused at 9:22 p.m.

Following discussion, Councilmember Rothman inquired and City Attorney Arnold Alvarez-Glassman advised that if Council desired to repeal the Ordinance that established the Community Development Commission, staff would need direction to bring that matter back to Council.

The following motion was made after discussion at length:

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER RODRIGUEZ, CARRIED BY A UNANIMOUS ROLL CALL VOTE OF THE MEMBERS PRESENT (5-0) TORRES/CORTEZ EXCUSED, FOR THE COMMUNITY DEVELOPMENT COMMISSION TO CONTINUE AS THE COMMUNITY DEVELOPMENT COMMISSION RECEIVING THE SAME SALARY, NO MORE AND NO LESS, THAN THE REDEVELOPMENT AGENCY RECEIVED.

Councilmember Lantz advised that she and Councilmember Hunter had both opposed the formation of the CDC. She noted that one of Councilmember Torres' comments, although it had not been included in the motion, was that a study session be held to discuss the nature of the CDC. She stated that she personally would prefer to abolish the CDC and continue as the Redevelopment Agency. She requested Council support of Councilmember Torres' request for a study session.

Councilmember Lantz further inquired and Legal Counsel advised that this matter would be presented to Council again as a Consent Calendar item and that the minutes of the meeting would reflect that Councilmember Torres was the maker of the motion.

NEW BUSINESS

18. RECOMMENDATIONS BY THE GOLD LINE STATION DESIGN AND ART REVIEW COMMITTEE

Deputy City Manager Lilian Myers introduced Ms. Leslie Elwood, contracted by the Gold Line Construction Authority to work with the various cities along the corridor.

Ms. Elwood addressed Council and advised that they were working on the project expanding the Gold Line from Pasadena through Montclair, in which Pomona had a station located not too far from Fairplex. She discussed the formation of a committee established in November 2004 and acknowledged the members for their time and efforts. She provided a power point presentation and noted that twenty artists had submitted proposals. She advised that the committee had selected Steve Farley. She provided an overview of his preliminary design proposal, which looked at Pomona's history, people, community involvement and the creation of a sense of pride. She noted that this was a preliminary design only, and that all final design concepts would be presented to Council for final approval. She discussed the color palette and stated that all stations were required by Federal law to have the yellow warning strip. She noted that upon Council's acceptance of these recommendations and Steve Farley as the artist, this information would be included in the preliminary engineering concept to be developed next year. She reminded Council that the station art work and the station itself would be maintained by Metropolitan Transportation Authority (MTA) and the average art budget per station was \$120,000, budgeted through the Construction Authority.

Councilmember Lantz expressed concern that she had no site plan. Ms. Elwood directed Councilmember Lantz's attention to the site plan on display. She explained that they did not want to blend in the existing Metrolink Station from the Gold Line. She stated that the basic station design components were to create a unifying look that existed in Phase I and goes through to Montclair.

MOTION BY COUNCILMEMBER ROTHMAN, SECOND BY COUNCILMEMBER HUNTER, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (5-0) TORRES/CORTEZ EXCUSED, ACCEPTING THE RECOMMENDATIONS FROM THE METRO GOLD LINE STATION DESIGN AND ART REVIEW (SDAR) COMMITTEE, INCLUDING THE ARTIST SELECTION AND THE STATION VISUAL ELEMENTS.

PUBLIC HEARING

20. PUBLIC HEARING - CHANGE OF ZONE (CA 04-007) – INTRODUCTION AND FIRST READING OF AN ORDINANCE ADOPTING A ZONE CHANGE (DCI ENGINEERING, APPLICANT) – (DISTRICT 1)

--ORDINANCE NO. 4033: An Ordinance of the City Council of the City of Pomona approving Change of Zone (CZ 04-007) amending the zoning classification from R-1-6000 (Single Family Residential) Zone to R-1-PD-6.67 (Single Family Residential with a Planned Development Overlay with 6.67 units per acre) Zone on property located at 990 Weber Street

Councilmember Hunter inquired and Planning Manager Matthew Bassi informed that the Planned Development Overlay (PDO) allowed for a variation in some of the development standards, but not necessarily for a greater density. He explained that set backs could be lessened or would also allow for smaller lots. He further inquired and Mr. Bassi responded that the nature of the surrounding community was single-family residential. He stated this would be a single-family development (11 houses on 1.9 acres).

Vice Mayor Robles opened the public hearing and there was no public comment.

MOTION BY COUNCILMEMBER HUNTER, SECOND BY COUNCILMEMBER ROTHMAN, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (6-0) TORRES/CORTEZ EXCUSED, CLOSING THE PUBLIC HEARING.

Councilmember Lantz inquired and Planning Manager Matthew Bassi responded that the elevations had been reviewed as part of the Conditional Use Permit and the Conceptual Plan reviewed in February. She asked and he advised that the elevations included with the report were the ones reviewed by the Planning Commission. The proper elevations were presented to the City Clerk and distributed to the City Council.

Councilmember Hunter expressed concern with the lot size; however, he stated these homes would improve the area.

MOTION BY COUNCILMEMBER HUNTER, SECOND BY COUNCILMEMBER ROTHMAN, CARRIED BY UNANIMOUS VOTE OF THE MEMBERS PRESENT (5-0) TORRES/CORTEZ EXCUSED, APPROVING THE INTRODUCTION AND FIRST READING OF ORDINANCE NO. 4033 APPROVING CHANGE OF ZONE (CZ 04-007) AMENDING THE ZONING CLASSIFICATION FROM R-1-6000 (SINGLE FAMILY RESIDENTIAL) ZONE TO R-1-PD-6.67 (SINGLE FAMILY RESIDENTIAL WITH A PLANNED DEVELOPMENT OVERLAY WITH 6.67 UNITS PER ACRE) ZONE ON PROPERTY LOCATED AT 990 WEBER STREET

COMMUNICATIONS FROM THE CITY MANAGER - NONE

ADJOURNMENT – 10:56 P.M.

Vice Mayor Robles adjourned the meeting in memory of Roberta Smith, Former City of Pomona Finance Director.

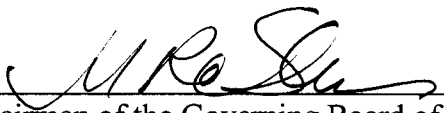
Councilmember Rothman moved the cancellation of the study session scheduled for July 25, 2005 and incorporation of the items scheduled for July 25, 2005 to a future meeting.

This motion died due to lack of a second.

The Regular Meeting/Closed Session of the Pomona City Council and the City Council sitting as the Governing Board of the Community Development Commission and the Pomona Housing Authority was adjourned at 10:56 p.m. to a Regular Meeting on Monday, July 18, 2005, for a Closed Session at 5:30 p.m., followed by a Regular Meeting at 7:00 p.m. in the City Council Chambers, 505 S. Garey Avenue, Pomona, California.

City Clerk/Secretary of the Governing Board of
the Community Development Commission and
the Pomona Housing Authority.

ATTEST:



Mayor/Chairman of the Governing Board of
the Community Development Commission
and the Pomona Housing Authority