



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

Regular Meeting Minutes

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 S. Torres

VISION STATEMENT

*Pomona will be recognized as a vibrant, safe, beautiful
community that is a fun and exciting destination and the home of
arts and artists, students and scholars, business and industry.*

Monday, September 18, 2023

7:00 PM

Council Chambers

CLOSED SESSION

A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

*Chad Jensen and Michael Neaderbaomer vs. City of Pomona; Michael Olivieri;
Dennis Cooper and Does 1 through 50*

Los Angeles County Superior Court Case No. 20STCV17625

Housing Authority City of Pomona v. Thompson

Los Angeles County Superior Court Case No. 23-4181086

*Robert Serrano III, Amado F. Suarez and Jose Luis Juarez v. City of Pomona; Police
Chief Michael Ellis and Pomona Police Officer Garret Dulong and Does 1 through 25*

Los Angeles County Superior Court Case No. 22PSCV03084

B) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(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
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

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 Sonia Carvalho stated there was no reportable action but noted the Closed Session would resume after the open session ended.

PLEDGE OF ALLEGIANCE

Councilmember Lustro led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Tim Sandoval
Vice Mayor John Nolte
Councilmember Nora Garcia
Councilmember Steve Lustro
Councilmember Robert Torres

Absent: Councilmember Victor Preciado
Councilmember Elizabeth Ontiveros-Cole

STAFF PRESENT

James Makshanoff, City Manager
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
Diana Robles, Deputy City Clerk

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

PRESENTATIONS

***2023 Summer Recap: An Overview of City Events, Recreation Programs, and Activities**

Community Services Manager Mike Osoff gave the presentation.

***Proclamation Designating September 22, 2023 as "California Native American Day" in the City of Pomona**

Mayor Sandoval presented the proclamation to Juan Villa, a representative of Assemblyman James Ramos, Chair of California Native American Legislative Caucus, who spoke a few words to recognize the uniqueness of California Native Americans. Juan Villa encouraged people to visit Cal State San Bernardino on Saturday, September 23, for an event to learn more about the various California Native tribes.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Lustro announced a Hazard Household Waste Roundup would take place this Saturday, September 23, from 9 a.m. to 3 p.m. at Fairplex Gate Number Nine.

Councilmember Torres thanked staff for their work in hosting community events and spoke on the importance of addressing social issues through community programs. He also gave thanks to the Carpenters Union and Labors Local.

Councilmember Garcia gave thanks to Chara Swodeck, lead organizer of the Pomona's Children's Festival, for hosting another successful festival. She thanked the community for continuing the Children's Festival tradition.

Mayor Sandoval also spoke on the success of the Children's Festival as a community event, and thanked all who contributed to its success.

CITY MANAGER COMMUNICATIONS

City Manager Makshanoff announced the Library is offering free tutoring to students in grades K – 8th grade. He also stated the Water Dept. online webpage was updated and residents can now access information on water saving tips, water safety, and production.

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.

Live Comments were as follows:

Frank Guzman announced Pomona Pride Center would now be called Pomona Valley Pride, and the organization will have a new location: 235 W. Mission. He invited the community to visit the new location. He also invited City Council to the Annual Gayla, a fundraiser for the organization. Lastly, he discussed an incident where his life was threatened over the phone, and when he reported the incident, Pomona Police Dept. was not very responsive.

Veronica Cabrera discussed the Urgency Rent Stabilization Ordinance, and its inability to provide much needed affordable housing in the community; she asked the City to build affordable housing.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to approve the entire Consent Calendar except for Item No. 13 pulled for a separate vote.

1. Second Reading and Adoption to Amend Chapter 58, Article III of the Pomona City Code

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

ORDINANCE NO. 4335 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING CHAPTER 58 ("TRAFFIC AND VEHICLES"), ARTICLE III ("VEHICLE OPERATION") SECTION 58-122 ("SPEED LIMITS FOR SPECIFIC STREETS") OF THE POMONA CITY CODE BY UPDATING THE SPEED LIMITS ON DESIGNATED CITY STREETS FOR YEARS 2023 AND 2024

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Ordinance No. 4335.

2. Second Reading and Adoption of an Ordinance Amending the Pomona City Code Creating an Ethics Commission Pursuant to the Provisions of Article VIII, Section 807 of the Charter of the City of Pomona

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

ORDINANCE NO. 4337 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, CREATING AN ETHICS COMMISSION PURSUANT TO SECTION 807 OF THE CITY CHARTER OF THE CITY OF POMONA

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Ordinance No. 4337.

3. Approval of an Amendment to the Art in Public Places Manual to Revise the Format of the Cultural Arts Citizens Advisory Committee

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

RESOLUTION NO. 2023-163 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN AMENDMENT TO THE ART IN PUBLIC PLACES POLICY AND GUIDELINES MANUAL

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Resolution No. 2023-163.

4. Authorize the Acceptance of the State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-144 - 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 \$440,000 AND AMENDING THE FY 2023-24 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$440,000

- 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 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Resolution No. 2023-144, and 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.

5. Authorize the Acceptance of California office of Traffic Safety (OTS) Pedestrian and Bicycle Safety Grant

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-145 - 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 \$43,787 AND AMENDING THE FY 2023-24 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS BY \$43,787

- 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 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Resolution No. 2023-145 and 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.

6. Authorize the Acceptance of California Office of Traffic Safety (OTS) Motorcycle Safety Education and Training Program Grant

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-146 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) MOTORCYCLE SAFETY EDUCATION AND TRAINING PROGRAM GRANT IN THE AMOUNT OF \$24,000 AND AMENDING THE FY 2023-24 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS BY \$24,000

- 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 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Resolution No. 2023-146 and 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. Adopt a Resolution Authorizing the City of Pomona Housing Authority to Accept a Grant Award and Receive Funding from the U.S. Department of Housing and Urban Development, Totaling \$176,009

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-156 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SITTING AS THE GOVERNING BOARD OF THE POMONA HOUSING AUTHORITY (PHA), APPROVING THE ACCEPTANCE OF A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAM GRANT AWARD, TO RECEIVE FUNDING TOTALING \$176,009, AMENDING THE FY 2023-24 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES, APPROPRIATING FUNDS IN THE SAME AMOUNT

- 2) Approve a Memorandum of Understanding (MOU) with the Los Angeles Homeless Services Authority (LAHSA) for a term not to exceed one year to develop a prioritization plan for these vouchers.
- 3) Authorize the Executive Director of the Pomona Housing Authority or his designee to execute the contracts and other documentation requested for acceptance and implementation of the grant awards, subject to approval as to form by the Agency Counsel.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Resolution No. 2023-156 and approve a Memorandum of Understanding (MOU) with the Los Angeles Homeless Services Authority (LAHSA) for a term not to exceed one year to develop a prioritization plan for these vouchers, and authorize the Executive Director of the Pomona Housing Authority or his designee to execute the contracts and other documentation requested for acceptance and implementation of the grant awards, subject to approval as to form by the Agency Counsel.

8. Award of Professional Consultant Services Agreement for "Pomona Transit Center ADA Improvements," Project No. 428-2590-XXXXX-67938

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

- 1) Award a Professional Consultant Services Agreement for "Pomona Transit Center ADA Improvements," Project No. 428-2590-XXXXX-67938 to HR Green Pacific, Inc. for Design and Construction Management services in the amount of \$692,201; and
- 2) Authorize the City Manager to execute the agreement and any subsequent amendments/revisions to the agreement with HR Green Pacific, Inc.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to award a Professional Consultant Services Agreement for "Pomona Transit Center ADA Improvements," Project No. 428-2590-XXXXX-67938 to HR Green Pacific, Inc. for Design and Construction Management services in the amount of \$692,201; and authorize the City Manager to execute the agreement and any subsequent amendments/revisions to the agreement with HR Green Pacific, Inc.

9. Adopt a Resolution Accepting Grant Funds for Operation of the Crisis Housing Program at the Hope for Home Homeless Services Center and Amendment of the FY 2023-24 Operating Budget

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-160 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF \$1,464,000 IN MEASURE H GRANT FUNDS FOR THE OPERATION OF A CRISIS HOUSING PROGRAM AT THE HOPE FOR HOME HOMELESS SERVICES CENTER (H4H), AMENDMENT OF THE FY 2023-24 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES BY \$4,000 AND APPROPRIATIONS BY \$8,807

- 2) Amend the agreement with Volunteers of America Los Angeles (VOALA) as the H4H Site Operator by awarding \$1,385,786 to operate the Crisis Housing Program; and
- 3) Authorize the City Manager to execute all agreements, amendments, and any other documentation requested for acceptance of the award, distribution of the funding and operation of the H4H Crisis Housing Program, subject to approval as to form by the City Attorney.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Resolution No. 2023-160, amend the agreement with Volunteers of America Los Angeles (VOALA) as the H4H Site Operator by awarding \$1,385,786 to operate the Crisis Housing Program; and authorize the City Manager to execute all agreements, amendments, and any other documentation requested for acceptance of the award, distribution of the funding and operation of the H4H Crisis Housing Program, subject to approval as to form by the City Attorney.

10. Adopt a Resolution Accepting Grant Funds for Operation of the Bridge Housing Program at Hope for Home Homeless Services Center and Amendment of the FY 2023-24 Operating Budget

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-159 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF \$915,000 IN CONTINUUM OF CARE (COC) HOUSING HOMELESS, ASSISTANCE AND PREVENTION (HHAP) AND MEASURE H GRANT FUNDS FOR THE OPERATION OF THE BRIDGE HOUSING PROGRAM AT HOPE FOR HOME HOMELESS SERVICES CENTER (H4H), AMENDMENT OF THE FY 2023-24 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES BY \$1,649 AND REDUCE APPROPRIATIONS BY \$12,085

- 2) Amend the agreement with Volunteers of America Los Angeles (VOALA) as the H4H Site Operator by awarding \$866,975 to operate the Bridge Housing Program; and
- 3) Authorize the City Manager to execute all agreements, amendments and any other documentation requested for acceptance of the award, distribution of the funding and operation of the H4H Bridge Housing Program, subject to approval as to form by the City Attorney.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Resolution No. 2023-159; and amend the agreement with Volunteers of America Los Angeles (VOALA) as the H4H Site Operator by awarding \$866,975 to operate the Bridge Housing Program; and authorize the City Manager to execute all agreements, amendments and any other documentation requested for acceptance of the award, distribution of the funding and operation of the H4H Bridge Housing Program, subject to approval as to form by the City Attorney.

11. Amend a Contract with R Dependable Construction Inc. for Tenant Improvements at 2040 N. Garey Avenue, Pomona, CA

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

- 1) Amend the contract with R Dependable Construction Inc. for tenant improvements at 2040 N. Garey Avenue, Pomona, CA by increasing contract amount by \$60,000 bringing total contract price to \$290,969; and,
- 2) Authorize the City Manager to execute the contract on behalf of the City, subject to review by the City Attorney.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to amend the contract with R Dependable Construction Inc. for tenant improvements at 2040 N. Garey Avenue, Pomona, CA by increasing contract amount by \$60,000 bringing total contract price to \$290,969; and, authorize the City Manager to execute the contract on behalf of the City, subject to review by the City Attorney.

12. Approve Purchase of One New Utility Truck from National Auto Fleet Group

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2023-161 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2023-24 SAFE CLEAN WATER PROGRAM SUPPLEMENTAL BUDGET BY APPROPRIATING \$14,404 OF MEASURE W (SAFE CLEAN WATER PROGRAM) FUND RESERVES TO PURCHASE ONE NEW UTILITY TRUCK FOR THE WATER RESOURCES DEPARTMENT, ENVIRONMENTAL SECTION

- 2) Approve the purchase of one new utility truck from National Auto Fleet Group in the total amount of \$66,404, utilizing Sourcewell Contract 091521-NAF; and
- 3) Authorize the City Manager or designee to approve purchase orders on behalf of the City.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to adopt Resolution No. 2023-161, and approve the purchase of one new utility truck from National Auto Fleet Group in the total amount of \$66,404, utilizing Sourcewell Contract 091521-NAF; and authorize the City Manager or designee to approve purchase orders on behalf of the City.

13. Provide the 2022 California Power Source Disclosure Attestation for Pomona Choice Energy

It is recommended that the City Council provide the attestation specified under California's Power Source Disclosure Program for Pomona Choice Energy.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GARCIA, CARRIED 4-1 (COUNCILMEMBER PRECIADO AND COUNCILMEMBER ONTIVEROS-COLE ABSENT, COUNCILMEMBER TORRES OPPOSED), to provide the attestation specified under California's Power Source Disclosure Program for Pomona Choice Energy.

DISCUSSION CALENDAR

14. 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 So Cal Service Corps in support of the Video Production for Los Tigres del Norte Concert – Requested Amount \$500
 - B) Amount to be determined to Gerardo Gomez in support of Winter of Wisconsin – Requested Amount \$200
 - C) Amount to be determined to Community Services in support of Senior Dances – Requested Amount \$3,000
- 2) Receive and file the recap of final amounts.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER PRECIADO, AND COUNCILMEMBER ONTIVEROS-COLE ABSENT), to make a finding of public benefit for items A-C.

15. Transformative Climate Communities (TCC) Pomona Housing Study and Parking Analysis

It is recommended that the City Council receive and file the Transformative Climate Communities (TCC) Pomona Housing Study and Parking Analysis.

Development Services Director Anita Gutierrez gave a brief overview of the item.

Eli Lechter, from Lamar Johnson Collaborative, Richard Gibson from Gibson Transportation Consulting, Inc., and Will Soholt from Kosmont Companies, gave the presentation.

Councilmembers asked questions and gave commentary on the topics presented.

THIS ITEM WAS A RECEIVE AND FILE ITEM, THUS CITY COUNCIL TOOK NO ACTION.

16. Discussion Regarding Phillips Ranch Riparian Greenbelt

It is recommended that the City Council discuss and advise on converting the Riparian Greenbelt to a City Park.

Public Works Director Rene Guerrero gave a brief overview of the item.

After much discussion by all Councilmembers, Mayor Sandoval directed staff to come back with an action item.

NO ACTION TAKEN.

*****Mayor Sandoval reminded everyone that City Council would re-convene to the Closed Session.**

CLOSED SESSION

The City Council re-convened to Closed Session at 10:01 p.m.

ADJOURNMENT

The City Council meeting adjourned at 10:10 p.m. on September 18, 2023.

Respectfully submitted,



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

ATTEST:



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