



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 Elizabeth Ontiveros-Cole
Councilmember Debra Martin
Councilmember Victor Preciado
Councilmember Nora Garcia
Councilmember Steve Lustro
Councilmember Lorraine Canales

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, December 1, 2025

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))

Roxie Cooper, et al. v. City of Pomona, et al.
Los Angeles County Superior Court
Case No. 23PSCV02393

City of Pomona, et al. v. M & A Gabae, et al.
Los Angeles County Superior Court
Case No. 22PSCV0301

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 advised the City Council of Pomona voted to approve a \$470,000 settlement for Item A.

PLEDGE OF ALLEGIANCE

Mayor Sandoval led the pledge of allegiance.

ROLL CALL

Present: Mayor Tim Sandoval
Vice Mayor Elizabeth Ontiveros-Cole
Councilmember Debra Martin
Councilmember Victor Preciado
Councilmember Nora Garcia
Councilmember Steve Lustro
Councilmember Lorraine Canales

Absent: None

STAFF PRESENT

Anita D. Scott, City Manager
Sonia Carvalho, City Attorney
Rosalia A. Butler, City Clerk
Diana Robles, Deputy City Clerk
Michael Ellis, Pomona Police Chief

PRESENTATIONS

*Pomona City Hall - Annual Tree Lighting Ceremony

The City Council stepped outside at 7:04 p.m. for the Tree Lighting Ceremony and returned to the Council Chambers at 7:16 p.m.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Garcia expressed thanks to Professor Marez and Community Services staff for leading the Pomona Youth Orchestra and invited folks to attend the upcoming holiday events at the Pomona Library. Councilmember Garcia attended State Senator Rubio's turkey drive. Lastly, Councilmember Garcia wished everyone a happy holiday season.

Councilmember Lustro announced the next LA County Sanitation District e-waste collection event and gave thanks to Paul Ayala for his toy donation to the Pomona Police Dept.'s Stuff-a-Cruiser event.

Councilmember Martin announced upcoming community events: Christmas on Columbia, Harvest Festival at the Fairplex, and the Downtown Pomona Christmas Parade. Councilmember Martin also gave an update on the paving progress on Holt Blvd.

Vice Mayor Ontiveros-Cole hosted a turkey drive and gave thanks to the volunteers that helped. Vice Mayor Ontiveros-Cole also thanked the Pomona Unified School District Student Choirs for their performance during the Tree Lighting Ceremony. Lastly, Vice Mayor Ontiveros-Cole advised folks to drive safely.

Councilmember Canales invited folks to attend the District 6 Area Commander meeting and gave updates on Willie White Park. Councilmember Canales expressed thanks to Pastor Steve and others for supporting the State Senator Rubio's turkey drive. Councilmember Canales also advised the Kiwanis Club would be selling See's Candies to raise funds for PUSD student scholarships. Councilmember Canales announced upcoming events: Downtown Pomona Christmas Parade, La Gran Posada at the Fox Theater, a Nightmare Before Christmas screening, a Toy Drive giveaway sponsored by PCS Family Services.

Councilmember Preciado gave comments about the challenges facing the community, discussed a new downtown business belonging to Joe Antanolli and gave thanks to Office of Economic and Business Affairs Deputy Director Ata Kahn for his professionalism with members of the public.

Mayor Sandoval invited folks to attend the downtown Pomona Christmas Parade and requested from the City Manager a committee that focuses on strategic planning.

CITY MANAGER COMMUNICATIONS

City Manager Scott 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.

Live Comments were as follows:

Chief Gamble introduced the new Community Services Liaison for the Los Angeles Fire Department, Rosemary Vivero who spoke a few words about her professional background.

Roberto Herrera discussed experiencing harassment in his neighborhood.

Salvador Aviso, Revolutionary Students Union of Pomona, discussed concerns with the Pomona Police Department.

Gynda McCluskey discussed concerns about excessive number of oversized trucks on neighborhood streets and requested the street becoming a park by permit street.

Tara McCluskey expressed various concerns about personal matters.

Jeffrey Michaelson, Hope 4 Holt Initiative, expressed concerns with the current approaches to address homelessness.

Gwendolyn Blume, Serenity Senior Advocate Group, expressed appreciation for the Pomona Police Department.

Norma Quinones, Kiwanis Club, announced the upcoming fundraiser pop-up event for Pomona Unified School District Students.

Julian Lucas, The Pomonan, discussed concerns about the lack of reporting of the deaths that took place in the city during the year.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to approve the entire Consent Calendar except for Consent Calendar Item No. 4 and Item No. 6 pulled for public comment and Item No. 8 pulled by Mayor Sandoval.

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:

November 3, 2025 Regular Meeting Minutes

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to approve City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of November 3, 2025.

2. Second Reading of Ordinance No. 4361 Extending the Current Non-Exclusive Towing Franchises for City-Initiated Tows for a Term of Three Years

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

ORDINANCE NO. 4361 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, EXTENDING THE CURRENT NON-EXCLUSIVE TOWING FRANCHISES FOR CITY-INITIATED TOWS TO SANDERS TOWING INC., S & J TOWING SERVICE, INC., CARPE CARMA, L.L.C., dba POMONA VALLEY TOWING, INC., AND AL & SON'S TOWING, INC. FOR A TERM OF THREE YEARS

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Ordinance No. 4361.

3. Adopt a Resolution to Receive Metropolitan Water District Grant Funds; and Amend an Agreement with Conserv Construction, Inc.

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2025-128 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2025-26 WATER FUND BUDGET, RECEIVING AND INCREASING REVENUE ESTIMATES BY \$120,000 OF METROPOLITAN WATER DISTRICT FROM THE MEMBER AGENCY ADMINISTERED-INCENTIVE PROGRAM GRANT FOR THE RESIDENTIAL LANDSCAPE EVALUATION PROGRAM

- 2) Amend an agreement with Conserv Construction, Inc. to add an additional \$70,000 to the contract amount, to a total agreement amount of \$220,000.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2025-128; and amend an agreement with Conserv Construction, Inc. to add an additional \$70,000 to the contract amount, to a total agreement amount of \$220,000.

4. Approval of Tract Map No. 84154 for the Property Located at 1707 N. Towne Avenue, Pomona, CA, Assessor Parcel Number 8339-001-008, Related to a 45 Unit Residential Townhome Development (Council District 4)

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

- 1) Adopt the following Resolution:

RESOLUTION NO. 2025-130 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TRACT MAP TM NO. 84154 FOR THE PROPERTY LOCATED AT 1707 N. TOWNE AVENUE, ASSESSOR PARCEL NUMBER 8339-001-008

- 2) Authorize the City Engineer to sign the Tract Map TM No. 84154 on behalf of the City.

*This item was pulled for public comment but there no public speakers.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY VICE MAYOR ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2025-130; and authorize the City Engineer to sign the Tract Map TM No. 84154 on behalf of the City.

5. Approval of Tract Map No. 83188 for the Property Located at 1137-1149 W. Phillips Boulevard, Pomona, CA, Assessor Parcel Numbers 8343-012-015, and 8343-012-016, Related to 12 Unit Residential Development (Council District 2)

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

- 1) Adopt the following Resolution:

RESOLUTION NO. 2025-132 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TRACT MAP TM NO. 83188 FOR THE PROPERTY LOCATED AT 1137-1149 W. PHILLIPS BOULEVARD, ASSESSOR PARCEL NUMBER 8343-012-015 to -016

- 2) Authorize the City Engineer to sign the Tract Map TM No. 83188 on behalf of the City.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2025-132; and authorize the City Engineer to sign the Tract Map TM No. 83188 on behalf of the City.

6. Approval of Summary Vacation VU1-2025 of a Portion of the City's Unused Water Easement Located at 2000 Pomona Boulevard, Pomona, CA, Assessor Parcel Numbers 8348-021-002; Approval of the Quitclaim Deed for the Vacated Easement (Council District 1)

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2025-133 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUMMARY VACATION VU1-2025 OF A PORTION OF THE CITY'S UNUSED WATER EASEMENT LOCATED AT 2000 POMONA BOULEVARD, POMONA, CA, ASSESSOR PARCEL NUMBERS 8348-021-002 AND APPROVING QUITCLAIM DEED FOR THE VACATED EASEMENT

- 2) Authorize the City Manager to execute the quitclaim deed on behalf of the City.

*This item was pulled for public comment.

Public Speaker Tara McCluskey expressed concerns about the funds related to the water easement.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2025-133; and authorize the City Manager to execute the quitclaim deed on behalf of the City.

7. Approval of an Expenditure Plan for FY 2025-26 Supplemental Law Enforcement Services Account (SLESA)

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

- 1) Approve the following resolution:

RESOLUTION NO. 2025-137 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2025-26 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES BY \$472,479 AND APPROPRIATIONS BY \$354,591

- 2) Approve an expenditure plan for FY 2025-26 Supplemental Law Enforcement Services Account (SLESA) in the amount of \$354,591.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2025-137; and approve an expenditure plan for FY 2025-26 Supplemental Law Enforcement Services Account (SLESA) in the amount of \$354,591.

8. Award a Construction Contract to Fidelity Builders Inc. in the Amount of \$5,264,355 for the "252 E. 4th Street - Major Rehabilitation," Project No. 428-2590-XXXXX-71210

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

- 1) Award a construction contract to Fidelity Builders Inc. for the "252 E. 4th Street - Major Rehabilitation," Project No. 428-2590-XXXXX-71210, to include base bid items plus a 15% contingency, in the total amount of \$5,264,355; and,
- 2) Authorize the City Manager to execute the construction contract and any subsequent change orders on behalf of the City of Pomona (City).

*This item was pulled by Mayor Sandoval.

Public Speaker Tara McCluskey asked questions about the funding for the item.

Mayor Sandoval recommended continuing the item to a future meeting so staff can explore alternatives to rehabilitation.

Councilmember Lustro expressed concern about the cost of rehabilitation and requested staff to speak on possible alternatives to rehabilitation.

Housing Services Manager Maria Siacunco gave comments about the funding sources for the item.

Councilmember Canales expressed support for staff to research alternatives.

City Councilmembers asked various questions related to costs of services, funding, and the historical designation of the property.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR ONTIVEROS-COLE, CARRIED 6-1 (COUNCILMEMBER PRECIADO OPPOSED), to continue the item to a future meeting.

9. Approval of 11 Mills Act Contracts for Historic Properties Located within Historic Districts

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

- 1. RESOLUTION NO. 2025-145 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 410 EAST ALVARADO STREET WITHIN THE LINCOLN PARK HISTORIC DISTRICT**
- 2. RESOLUTION NO. 2025-146 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 330 GARFIELD AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**
- 3. RESOLUTION NO. 2025-147 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 1515 GANESHA PLACE IN THE HACIENDA PARK HISTORIC DISTRICT**
- 4. RESOLUTION NO. 2025-148 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 242 LINCOLN AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**
- 5. RESOLUTION NO. 2025-149 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 112 E. KINGSLEY AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**

6. **RESOLUTION NO. 2025-150 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 1574 N. ORANGE GROVE AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**
7. **RESOLUTION NO. 2025-151 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 335 SAN FRANCISCO AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**
8. **RESOLUTION NO. 2025-152 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 160 E. COLUMBIA AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**
9. **RESOLUTION NO. 2025-153 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 165 GARFIELD AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**
10. **RESOLUTION NO. 2025-154 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 366 E. LINCOLN AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**
11. **RESOLUTION NO. 2025-155 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 241 E. JEFFERSON AVENUE WITHIN THE LINCOLN PARK HISTORIC DISTRICT**

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2025-145, Resolution No. 2025-146, Resolution No. 2025-147, Resolution No. 2025-148, Resolution No. 2025-149, Resolution No. 2025-150, Resolution No. 2025-151, Resolution No. 2025-152, Resolution No. 2025-153, Resolution No. 2025-154, and Resolution No. 2025-155.

10. Accept Fiscal Year 2025-26 Nutrition Service Incentive Program (NSIP) Funding Allocation for Elderly Nutrition Program (ENP) Services Grant Funds from Los Angeles County in the Amount of \$35,790

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2025-134 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO ACCEPT FISCAL YEAR 2025-26 NUTRITION SERVICES INCENTIVE PROGRAM (NSIP) FUNDING ALLOCATION FOR ELDERLY NUTRITION PROGRAM (ENP) SERVICES GRANT FUNDS FROM LOS ANGELES COUNTY AND AMEND THE FY 2025-26 OPERATING BUDGET SENIOR NUTRITION GRANT FUND BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$35,790

- 2) Authorize the City Manager to execute the agreement and any subsequent

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2025-134; and authorize the City Manager to execute the agreement and any subsequent

11. Acceptance of Selective Traffic Enforcement Program (STEP) Grant

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

- 1) Accept the Selective Traffic Enforcement Program (STEP) Grant from the Office of Traffic Safety (OTS) in the Amount of \$440,000;
- 2) Adopt the following resolution:

RESOLUTION NO. 2025-121 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2025-26 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$440,000

- 3) 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;
- 4) Adopt the following DUI/CDL Checkpoint operation directives:
 - a. If Immigration and Customs Enforcement (ICE), or any other federal agency conducting immigration enforcement, arrives at a Pomona Police checkpoint operation, it will be shut down and cancelled immediately.
 - b. Signage will include "Not an ICE Checkpoint" for vehicles approaching the checkpoint.

- c. Concerned members of the public will be allowed to monitor the checkpoint from a designated area outside of the checkpoint work area, or any other area the public is allowed to access. Observers cannot interfere with normal checkpoint operations.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to accept the Selective Traffic Enforcement Program (STEP) Grant from the Office of Traffic Safety (OTS) in the Amount of \$440,000; and adopt Resolution No. 2025-121; 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; and adopt the following DUI/CDL Checkpoint operation directives: a. If Immigration and Customs Enforcement (ICE), or any other federal agency conducting immigration enforcement, arrives at a Pomona Police checkpoint operation, it will be shut down and cancelled immediately; b. Signage will include "Not an ICE Checkpoint" for vehicles approaching the checkpoint; and c. concerned members of the public will be allowed to monitor the checkpoint from a designated area outside of the checkpoint work area, or any other area the public is allowed to access. Observers cannot interfere with normal checkpoint operations.

12. Resolution to Amend the FY 2025-26 Capital Improvement Program (CIP) Budget by Adding Pomona Choice Energy Funding to "Pomona Library Facility Improvements"

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

RESOLUTION NO. 2025-142 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO AMEND THE FY 2025-26 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$125,000 OF POMONA CHOICE ENERGY AUTHORITY FUND BALANCE TO "POMONA LIBRARY FACILITY IMPROVEMENTS," PROJECT NO. 428-2590-XXXXX-74120

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2025-142.

DISCUSSION CALENDAR

13. Proposed Ballot Measure for June 2026 Municipal Primary Election to Amend and Refine Measure Y

It is recommended that the City Council discuss and direct staff to place a ballot measure on the June 2, 2026, Municipal Primary Election ballot to amend and refine Measure Y as recommended by the Council Measure Y Subcommittee.

City Manager Scott gave the staff presentation.

The following public speakers expressed opposition to the item:

Luis Castro	Jennifer Aguirre	Merelyn Mendoza	Destiny Rivera
Yessica Limon	Mayra Valadez	Sam Gutierrez	Samantha Zavala-Angulo
Evelia Rocha	Maria Garcia	Brianna Angulo	Linnette Villalpando
Rosa Hernandez			

Public Speaker Duane Smith expressed support for the item.

Public Speaker John Clifford expressed support for the item.

City Councilmembers gave comments about the item.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY VICE MAYOR ONTIVEROS-COLE, CARRIED 7-0, to direct staff to place a ballot measure on the June 2, 2026, Municipal Primary Election ballot to amend and refine Measure Y as recommended by the Council Measure Y Subcommittee.

14. Public Hearing for the Introduction and First Reading of Ordinance No. 4364 Amending Pomona City Code Article I, Chapter 74, Section 74-1 and Article II, Section 74-31 Adopting the 2025 Edition of the California Building Standards Code and Related Model Codes with Appendices

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

- 1) Open the public hearing and after receiving testimony and public comment, close the public hearing; and
- 2) Introduce, waive further and give first reading to the following ordinance:

ORDINANCE NO. 4364 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING POMONA CITY CODE ARTICLE I, CHAPTER 74 SECTION 74-1 AND ARTICLE II, SECTION 74-31 ADOPTING THE 2025 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE AND RELATED MODEL CODES WITH APPENDICES

*This item was heard after Public Hearing Item No. 15

Development Services Director Betty Donavanik gave a brief overview of the item.

Mayor Sandoval opened the public hearing, and with no public speakers, Mayor Sandoval closed the public hearing.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER MARTIN AND COUNCILMEMBER CANALES ABSENT), to introduce, waive further and give first reading to Ordinance No. 4364.

15. Public Hearing for an Appeal of Planning Commission's Approval of a Development Plan Review (DPR-000941-2024) for the Development of 35 Dwelling Units Located at 1377 N. Garey Avenue

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

- 1) Open the public hearing and after receiving testimony and public comment, close the public hearing; and
- 2) Adopt the following resolution:

RESOLUTION NO. 2025-156 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION AND APPROVING A DEVELOPMENT PLAN REVIEW (DPR-000941-2024) FOR THE DEVELOPMENT OF 35 RESIDENTIAL UNITS AS WELL AS ASSOCIATED ON-SITE AND OFF-SITE IMPROVEMENTS ON A PROPERTY LOCATED AT 1377 N. GAREY AVENUE (ASSESSOR'S PARCEL NUMBERS: 8339-027-015, 8339-027-016)

*Please see attachment for emails received regarding this item.

*This item was heard before Public Hearing Item No. 14

City Attorney Carvalho advised Councilmember Martin would need to recuse herself on the basis of owning real property located within 1,000 ft. of the subject property: 1377 N. Garey Ave.

Councilmember Martin exited the Council Chambers and left the City Council meeting at 9:39 p.m.

Mayor Sandoval called a recess at 9:41 p.m.

Mayor Sandoval resumed the meeting at 9:43 p.m.

City Attorney Carvalho advised Councilmember Canales had spoken to her during the recess to advise of a letter received that claimed there was a conflict of bias. City Attorney Carvalho stated Councilmember Canales had filed the appeal for this item, and in the appeal had made statements that could be considered to be a position she had already taken, therefore would be recusing herself.

Councilmember Canales exited the Council Chambers and left the City Council meeting at 9:44 p.m.

Senior Planner Alina Barron gave the staff presentation.

Mayor Sandoval opened the public hearing.

Public Speaker Cameron Crockett, representing the property owner, spoke in support of the item.

Public Speaker Hank Fuang expressed support for the item.

Mayor Sandoval closed the public hearing.

City Councilmembers gave comments and asked questions about the item.

Mayor Sandoval requested the removal of the gate mandated by condition number 21 in the proposed resolution be removed.

Councilmember Preciado asked questions about lease conditions that disclose limited parking availability.

City Attorney Carvalho recommended amending condition number 19 to include verbiage that discloses the property has only 19 parking spaces available for a 35-unit building.

After further questions and discussion, City Manager Scott read recommended verbiage to add to condition number 19 as follows: "if it is determined that condition number 19 cannot be imposed, the applicant agrees to include a disclosure signed by each tenant that they are aware there are only 19 parking spaces for 35 units."

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-0 (COUNCILMEMBER MARTIN AND COUNCILMEMBER CANALES ABSENT), to adopt Resolution No. 2025-156 with the additional language for condition #19 as read by City Manager Scott and with the removal of condition #21.

Applicant Ms. Johnson and Mr. Crockett agreed to the amended conditions.

ADJOURNMENT

The City Council meeting adjourned at 11:01 p.m. on December 1, 2025.

Respectfully submitted,

ATTEST:

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

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

12/1/2025

Good Evening Mr. Mayor, City Council and Staff,

My name is Gynda McCluskey, and I live in Pomona on [REDACTED] Avenue. ([REDACTED])

I have come to talk about the 24/7 parking of over-size trucks, owned by neighbor at [REDACTED] Avenue, in front of my house, when there is parking available in front of his house and driveway. Observed 5 trucks being rotated in and out of the space in front of my house.

On November 14, 2025 – My trash cans were at the curb for trash collection. My Lazy Daze was parked in front of my house also. Drove to Camping World to get Service, planning to return and park it back in front of house. Meanwhile, the trash cans were still there and had not been emptied yet (7:30 am). Upon returning late after dark, discovered trash cans removed and neighbor's big black over-sized truck. So, now I have a problem, where am I going to park?

I parked next to neighbor's truck on opposite side of street temporarily. Shortly after that I hear a knock at front door. Officer Lopez had been called by neighbor. I explained the situation to him, and asked if he would ask the neighbor to move his truck. He refused and stated the public street rules.

I asked Officer Lopez if it was legal for me to block my driveway and park, he stated it was okay as long as I didn't block the driveway next door. Observed Officer Lopez sitting in his vehicle until I was done parking.

On November 22, 2025, Received a Pomona Parking Citation Letter.

On November 26, 2025, Received a Citation (DD70017477)

Called Department to speak to Officer Lopez on Friday, November 28, 2025, and Monday, December 1, 2025, was told he was not at work.

QUESTIONS: Officer Lopez: 1. why did you say it was okay to park and block my own driveway if it was not legal? 2. Why did you write a Citation and have it mailed to me?

REQUEST FOR CITY COUNCIL

1. Please consider adding rules/amendments to Code that limit the number of vehicles one property owner can park on public street or;
2. Change Street to Permit Parking.

CODE ENFORCEMENT

Are there rules for large over-sized trucks parking on residential streets? The trucks referenced are used for the neighbors Hauling Business. Lots of stuff comes to the neighborhood loaded on the trucks and parked on the street. The zoning should be changed to Industrial, no longer feels residential.

NOTE: The neighbor has bullied me for a long period, hopefully some help will come. He acts like he's in charge, don't recall his name being on the Ballot.

Thanks for your time and help.

PS: I have lived in Pomona since the early 1980's.

Serviced in the United States Army during the Viet Nam War.

From: [REDACTED] >
Sent: Saturday, November 22, 2025 9:06 AM
To: Barron, Alina <Alina.Barron@pomona.gov>
Subject: 1377 N. Garey Proposed Project Opposition

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Alina,

I am a resident of the Lincoln Park neighborhood and have lived at [REDACTED] for 18 years. I am writing to express my opposition to the construction of the 35-unit complex at 1377 N. Garey Ave. I appreciate the newly established renovation on Garey to facilitate a better flow of traffic, alongside its median beautification. However, I oppose this new construction project because there is a significant shortage of parking for these tenets. Assuming each unit has only 1 car (but it is likely some will have 2 cars), that equates to a range of 35-70 cars that require parking spaces. Given the lot size is so small, it is hard to imagine there will be adequate parking spaces surrounding the building. As such, residents will begin to park in our neighborhood that is adjacent to the building, causing more congestion for long-time residents. In addition, with the new traffic flow that contains minimal turns, all these additional cars will further congest the stretch along Garey. For these reasons, I believe the lot is too small for the proposed number of units, cannot offer adequate parking for residents and will increase parking along residential streets in Lincoln Park neighborhood, and will result in congestion along the already busy road of Garey.

Sincerely,
Dr. Sharon. S. Oselin

[REDACTED]

Robles, Diana

From: James Lloyd
Sent: Monday, December 1, 2025 3:51 PM
To: Sandoval, Tim; Martin, Debra; Preciado, Victor; Garcia, Nora; Ontiveros-Cole, Elizabeth; Lustro, Steve; Canales, Lorraine
Cc: City Clerk; Carvalho, Sonia (BBK Law); Barron, Alina; Scott, Anita; planningcounter; Donavanik, Betty
Subject: public comment re item 15 for tonight's Council meeting
Attachments: Pomona - 1377 N. Garey Ave. - HAA Letter - CC.pdf

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Dear Pomona City Council,

The California Housing Defense Fund ("CalHDF") submits the attached public comment regarding item 15 for tonight's Council meeting, the proposed 35-unit, 100% affordable housing development project at 1377 North Garey Avenue.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund

CalHDF is grant & donation funded
Donate today - <https://calhdf.org/donate/>



Dec 1, 2025

City of Pomona
505 S. Garey Ave.
Pomona, CA 91766

Re: Proposed Housing Development Project at 1377 N. Garey Ave.

To: tim.sandoval@pomonaca.gov; debra.martin@pomonaca.gov;
Victor.Preciado@pomonaca.gov; Nora.Garcia@pomonaca.gov;
Elizabeth.Ontiveros-Cole@pomonaca.gov; steve.lustro@pomonaca.gov;
Lorraine.Canales@gov

Cc: cityclerk@pomonaca.gov; sonia.carvalho@bbklaw.com;
alina.barron@pomonaca.gov; Anita.Scott@pomonaca.gov;
PlanningCounter@pomonaca.gov; Betty.Donavanik@pomonaca.gov

Dear Pomona City Council,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 35-unit, 100% affordable housing development project at 1377 North Garey Avenue. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), AB 130, California Environmental Quality Act (“CEQA”) guidelines, SB 330, California’s fair housing laws, and binding caselaw regarding ethical standards for elected officials.

The Project is Protected by the Housing Accountability Act

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subds. (d), (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible (*id.* at subd. (d)) or reduce the project’s density (*id.* at subd. (j)) unless, again, such written findings are made. As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit, and it complies with local zoning code and the City’s general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov.

Code, § 65589.5, subd. (j)(3)). The HAA's protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct "a thorough analysis of the economic, social, and environmental effects of the action." (*Id.* at subd. (b).)

The Project is Protected by the Density Bonus Law

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. The City must not deny the project the proposed waivers and concessions with respect to minimum unit size, public open space and open space type, side yard setback with windows, required parking, building height, building massing, and frontage coverage. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City "may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes 'amenities' beyond the bare minimum of building components." (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

The Project is Protected by the CEQA Guidelines and AB 130

Furthermore, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to section 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Furthermore, the project is eligible for a statutory exemption from CEQA pursuant to AB 130 (Pub. Res. Code, § 21080.66), which was signed into law on June 30, 2025 and effective immediately (Assembly Bill No. 130, 2025-2026 Regular Session, Sec. 74, available [here](#)). Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly

refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

The Conditions of Approval are Unlawful and Shameful

The City is proposing two new conditions of approval that should not be imposed on an affordable housing development. First, the City proposes an exaction equal to 1 percent of the project value to be spent on a public art installation. Second, the City is proposing to prohibit car ownership for tenants without onsite parking. Both of these conditions impose significant costs on the project. The City is prohibited from imposing any conditions that would negatively affect the feasibility of the project. (Gov. Code, § 65589.5, subd. (d).) The burden of establishing that a condition does not affect the feasibility of the project is placed on the City. (*id.* at subd. (i).) It does not appear that the City has carefully weighed whether either of these conditions would violate this prohibition.

Given California's homelessness crisis and the finite amount of funding available for affordable housing, the imposition of costly conditions of approval on a 100% affordable building is shocking. Public art fees on private development are legally suspect under state law given SB 330's objectivity requirements as well as under constitutional law given that there is no nexus between public art and a proposed development. (See *Sheetz v. Cnty. of El Dorado* (2024) 144 S.Ct. 893.) Beyond this, however, it is simply shameful that the City persists in imposing this fee on a 100% affordable development.

Further, the condition placed on car ownership is a shocking attack on the residents of affordable housing. How does the City expect lower-income residents to commute to jobs given that the Los Angeles region is highly car-dependent?

Under Government Code section 8899.50, all public agencies must affirmatively further fair housing through their housing and community development programs. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development. Public agencies are required to take meaningful actions to affirmatively further fair housing and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. (Gov. Code, § 8899.50, subd. (b).) For purposes of state fair housing law (See Gov. Code, § 8899.50, *inter alia*), low-income residents are a protected class. (Gov. Code, § 65008, subs. (a)(3), (b)(1)(C), and (b)(2)(B).) The City is obligated by state law (Gov. Code, § 8899.50) not to discriminate against such residents based on protected characteristics. Prohibiting lower-income residents from owning cars is disparate treatment based on a protected characteristic. State law forbids the City from such discrimination.

Appellant Council Members May Need to Recuse Themselves

Both Mayor Sandoval and Council Member Canales appealed the Planning Commission's

approval of the project to their own body for review. These elected officials should carefully consider whether their active participation as appellants should be grounds for recusal from voting on the project pursuant to California Law.

In *Petrovich Development Company, LLC, v. City of Sacramento* (2020) 48 Cal.App.5th 963, the Court of Appeal held that a council member's failure to recuse himself invalidated a land use permit denial. Specifically, the Court held that during a quasi-adjudicatory capacity, such as when a land use permit is in question, a city council member must not have prejudged the facts of the case, must be free of prejudice against or in favor of any party, and there must not be an unacceptable probability of actual bias on the part of the decision maker.

The primary purpose of an appeal of an approval is to overturn such approval. This would already suggest that both the Mayor and Council Member Canales may have prejudged the application.

However, beyond this, it is clear that Council Member Canales is certainly biased against the project. The Council Member's October 14, 2025, appeal of the project approval contains ample evidence of this bias:

"This proposed project raises serious concerns, especially around traffic, parking, and student safety ... Our children's safety must always come first and the impact this will have on our residents. I am also concerned about the proximity of this high-density development to the school playground and campus perimeter. This development would place dozens of residential units immediately adjacent to where children gather daily. The inadequate parking will create constant foot traffic from residents seeking street parking, making it exponentially more difficult to monitor who is near campus and maintain the secure perimeter our schools need. As someone who loves this community and has dedicated my life to serving its families, I share their fears ... I strongly believe it is in the best interest of our community to revisit this project until every safety issue has been carefully studied and addressed."

Clearly, Council Member Canales wishes to disapprove the project and has appealed it for that reason. The Council Member must therefore recuse herself from considering the matter pursuant to the legal requirements of the *Petrovich* decision.



As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state's homelessness crisis; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by

providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A black rectangular redaction box covering the signature of Dylan Casey. A blue ink scribble is visible to the left of the box.

Dylan Casey
CalHDF Executive Director

A black rectangular redaction box covering the signature of James M. Lloyd.

James M. Lloyd
CalHDF Director of Planning and Investigations