



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 Nora Garcia
Councilmember John Nolte
Councilmember Victor Preciado
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, October 21, 2024

7:00 PM

Council Chambers

CLOSED SESSION

There was no closed session.

CALL TO ORDER

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

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

Mayor Sandoval stated there was no reportable action due to there not being a closed session.

PLEDGE OF ALLEGIANCE

Councilmember Lustro led the pledge of allegiance.

ROLL CALL

Present: Mayor Tim Sandoval
Vice Mayor Nora Garcia
Councilmember John Nolte
Councilmember Victor Preciado
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert Torres

Absent: None

STAFF PRESENT

Anita Gutierrez, City Manager
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
Karla Shipman, Assistant City Clerk
Michael Ellis, Pomona Police Chief

Daniel Tamayo, contracted by the City, provided translation services.

PRESENTATIONS

*A Proclamation of the City Council of the City of Pomona Proclaiming November 10-16, 2024 as “National Nurse Practitioner Week” in the City of Pomona

Mayor Sandoval presented the proclamation to Dr. Emmanuel who spoke a few words her work in Pomona and the nursing profession.

*A Proclamation by the City Council of the City of Pomona Proclaiming November 2024 as “Diabetes Awareness Month” in the City of Pomona

Mayor Sandoval presented the proclamation to Clinical Diabetes Program Coordinators at Pomona Valley Hospital: James Dale, Evelyn Scott, and Lisa Diaz.

MAYOR/COUNCILMEMBER COMMUNICATIONS

**Mayor/Councilmember Communications were heard after Public Hearing Item No. 14.*

Councilmember Preciado requested City Attorney Carvalho to check with Pomona PD about following due process while conducting street outreach, and requested to give input on the design of Consent Calendar Item No. 5.

CITY MANAGER COMMUNICATIONS

City Manager Gutierrez stated there was an addendum regarding Consent Calendar Item No. 5; the addendum indicated the in-lieu payment changed from \$675,268 to \$594,236.

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:

Mayra Langaria discussed the challenges she has experienced as a homeless person.

Minerva Hernandez shared information about an upcoming expo meant for businesses just starting out.

Aaron McCain gave positive feedback about the newly installed bike lanes on La Verne Ave, but commented that many residents park in the bike lane forcing him to ride in the traffic lane.

Greg Estel discussed concerns with Planning Commissioner Camacho.

Mike Cargile discussed his opposition to Measure Y.

Veronica Cabrera discussed concerns with rent control policies.

Gustavo Ramirez discussed free resources available to the community and discussed World Peace Now.

Brenda Schultz discussed the San Gabriel Valley Conservation Corps organization and announced their Second Annual Fundraising Golf Tournament.

Richard Pham discussed noise hazards in his neighborhood and requested the City adopt an ordinance to establish legal noise limits and purchase noise cameras to find violators.

Josephina discussed her experience with being evicted and expressed support for the City establishing stronger tenant protections.

Yesenia Miranda Meza expressed her disappointment with the City postponing the voting on the Anti-Tenant Harassment Ordinance.

Brianna Argulo spoke in support of Measure Y.

Elinor Crescenzi introduced Jacob Hall and discussed concerns with the practice of improperly clearing encampments.

Jacob Hall discussed his encounter with Pomona PD in which he alleged his property was taken and lost.

Ellie O'Bosky invited people to learn about needs based understanding.

CONSENT CALENDAR

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to approve the entire Consent Calendar.

1. Approval of City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes

It is recommended that the City Council approve the following City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes:

September 16, 2024 Special Meeting Minutes
October 7, 2024 Regular Meeting Minutes

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to approve City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of September 16, 2024 and October 7, 2024.

2. Cooperative Agreement with the City of La Verne Assigning Maintenance of Two New Traffic Signals on Fulton Road

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

RESOLUTION NO. 2024-133 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENET PROGRAM (CIP) BUDGETS BY APPROPRIATING \$28,000 OF CAPITAL IMPROVEMENT PROJECT FUND RESERVES TO "DISTRICT 2 - NEW PLAYGROUND AT RALPH WELCH PARK," PROJECT NO. 428-2590-XXXXX-71096

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to adopt Resolution No. 2024-133.

3. Acceptance of a Standards and Training for Corrections (STC) Grant

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-147 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2024-25 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$13,860

- 2) Accept a Standards and Training for Corrections (STC) Grant from the Board of State and Community Corrections (BSCC) in an amount of \$13,860; and
- 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.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to adopt Resolution No. 2024-147; and accept a Standards and Training for Corrections (STC) Grant from the Board of State and Community Corrections (BSCC) in an amount of \$13,860; 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.

4. Resolution to Amend the FY 2024-25 Capital Improvement Program (CIP) Budget By Appropriating \$385,000 of Available Fairplex Mitigation Funds to “Traffic Signal improvement - McKinley Avenue and Canyon Way,” Project No. 428-2590-XXXXX-68587 and Award of Construction Contract to Comet Electric, Inc.

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-112 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2024-25 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$385,000 OF AVAILABLE FAIRPLEX MITIGATION FUNDS TO “TRAFFIC SIGNAL IMPROVEMENT - MCKINLEY AVENUE AND CANYON WAY,” PROJECT NO. 428-2590-XXXXX-68587

- 2) Award a construction contract to Comet Electric, Inc. for “Traffic Signal Improvement - McKinley Avenue and Canyon Way,” Project No. 428-2590-XXXXX-68587, to include all Base Bid items, in the amount of \$705,500;
- 3) Find that the project referenced above is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(C) and that the proposed project will not have a significant effect on the environment; and
- 4) Authorize the City Manager, or her designee, to execute the construction contract/agreement and related documents (permits, etc.).

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to adopt Resolution No. 2024-112; and award a construction contract to Comet Electric, Inc. for “Traffic Signal Improvement - McKinley Avenue and Canyon Way,” Project No. 428-2590-XXXXX-68587, to include all Base Bid items, in the amount of \$705,500; and find that the project referenced above is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(C) and that the proposed project will not have a significant effect on the environment; and authorize the City Manager, or her designee, to execute the construction contract/agreement and related documents (permits, etc.).

5. Adopt a Resolution to Amend the FY 2024-25 CIP Budget and Award Construction Contract to Apparent Second Lowest Bid for “Garey Avenue Rehabilitation - Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-177 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2024-25 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY RECEIVING, INCREASING REVENUE ESTIMATES, AND APPROPRIATING AN IN-LIEU PAYMENT OF \$675,268 FROM POMONA VALLEY HOSPITAL MEDICAL CENTER TO “GAREY AVENUE REHABILITATION - ALISO STREET TO MONTEREY AVENUE,” PROJECT NO. 428-2590-XXXXX-68573

- 2) Authorize City Staff to reject the apparent lowest bid from All American Asphalt for “Garey Avenue Rehabilitation - Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573, to include all Base Bid items plus Additive Alternate Nos. 1-
- 3) Award a construction contract to the apparent second lowest bid from Gentry Brothers, Inc. for “Garey Avenue Rehabilitation - Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573, to include all Base Bid items, plus Additive Alternate No. 4, in the amount of \$6,792,470;
- 4) Find that the project referenced above is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c) and that the proposed project will not have a significant effect on the environment;
- 5) Approve a cooperative agreement with Pomona Valley Hospital Medical Center (PVHMC) to jointly perform the work as one project to reduce conflicts and costs;
- 6) Authorize the City Manager, or designee, to execute the cooperative agreement with PVHMC and any future amendments on behalf of the City and approval as to form by the City Attorney; and
- 7) Authorize the City Manager, or designee, to execute the construction contract and any subsequent change orders on behalf of the City.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to adopt Resolution No. 2024-117; and authorize City Staff to reject the apparent lowest bid from All American Asphalt for “Garey Avenue Rehabilitation - Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573, to include all Base Bid items plus Additive Alternate Nos. 1-; and award a construction contract to the apparent second lowest bid from Gentry Brothers, Inc. for “Garey Avenue Rehabilitation - Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573, to include all Base Bid items, plus Additive Alternate No. 4, in the amount of \$6,792,470; and find that the project referenced above is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c) and that the proposed project will not have a significant effect on the environment; and approve a cooperative agreement with Pomona Valley Hospital Medical Center (PVHMC) to jointly perform the work as one project to reduce conflicts and costs; authorize the City Manager, or designee, to execute the cooperative agreement with PVHMC and any future amendments on behalf of the City and approval as to form by the City Attorney; and authorize the City Manager, or designee, to execute the construction contract and any subsequent change orders on behalf of the City.

6. Acceptance of an Alcoholic Beverage Control Mini Grant

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

1) Adopt the following resolution:

RESOLUTION NO. 2024-178 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2024-25 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$40,000

- 2) Accept an Alcoholic Beverage Control Mini Grant from the California Office of Traffic Safety in the amount of \$40,000 beginning October 1, 2024 through August 31, 2025;
- 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.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to adopt Resolution No. 2024-178; and accept an Alcoholic Beverage Control Mini Grant from the California Office of Traffic Safety in the amount of \$40,000 beginning October 1, 2024 through August 31, 2025; 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. Acceptance of the Proposition 47 (Prop 47) Grant Program and Amend the Fiscal Year (FY) 2024-2025 City Operating Budget

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-182-A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR (FY) 2024-2025 CITY OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$1,636,379 THROUGH ACCEPTANCE OF THE PROPOSITION 47 GRANT

- 2) Authorize the City Manager, or his designee, to negotiate and execute all related documents to receive the grant funds and implement the funded activities.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to adopt Resolution No. 2024-182; and authorize the City Manager, or his designee, to negotiate and execute all related documents to receive the grant funds and implement the funded activities.

8. Approval of 17 Mills Act Contracts for Historic Properties

It is recommended that the City Council adopt Resolution No's. 2024-158 through 2024-174, approving 17 Mills Act Contracts for various historically designated properties.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to adopt Resolution No's. 2024-158 through 2024-174, approving 17 Mills Act Contracts for various historically designated properties.

9. Adoption of Resolutions Amending the Memorandums of Understanding Between the City of Pomona and the PPOA, PPMA, and the Compensation Plan for Executive Group A and B Employees to Reflect Contractual Language Required by CalPERS for Sworn Employees

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

RESOLUTION NO. 2024-179 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA POLICE OFFICERS' ASSOCIATION

RESOLUTION NO 2024-180 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA POLICE MANAGERS' ASSOCIATION

RESOLUTION NO. 2024-181 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE COMPENSATION PLAN FOR EXECUTIVE MANAGEMENT GROUP A AND B EMPLOYEES BY ADDING CONTRACTUAL LANGUAGE REQUIRED BY THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to adopt Resolution No. 2024-179, Resolution No. 2024-180 and Resolution No. 2024-181.

After the Consent Calendar, items were heard in the following order: Discussion Item No. 12, Discussion Item No. 10, Discussion Item No. 11, Public Hearing Item No. 13, and Public Hearing Item No. 14.

DISCUSSION CALENDAR

- 10.** 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 God's Pantry in support of 8th Annual Pomona 5k/10k & Toddler Trot: Requested Amount: \$5,000
 - B) Amount to be determined to Vietnamese Community of Pomona Valley in support of Outstanding Student Awards: Requested Amount: \$2,000
 - C) Amount to be determined to Overspray Art Supply & Gallery in support of Lady Pink Panel at The Fox & Solo Art Exhibit: Requested Amount: \$6,000
 - D) Amount to be determined to San Gabriel Valley Conservation Corps in support of 2nd Annual Golf Fundraiser: Requested Amount: \$10,000
 - E) Amount to be determined to Fist of Gold Youth Center (Brownstone Mentoring Services) in support of providing adequate and safe equipment and tutoring support: Requested Amount: \$10,000

F) Amount to be determined to Compassionate Pomona in support of the 4th Annual Kindness Carnival: Requested Amount: \$700

G) Amount to be determined to The Multitudes Clothing in support of its Pomona Rise event: Requested Amount: \$9,000

2) Receive and file the recap of final amounts.

Public Speaker Justin Manriquez spoke in support of the Lady Pink Panel at The Fox & Solo Art Exhibit.

Public Speaker Tremale Ratcliffe spoke in support of the Fist of Gold Youth Center.

Public Speaker Daimen Camacho submitted a speaker card in support of the Fist of Gold Youth Center but was not present when called to speak.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GARCIA, CARRIED 7-0, to make a finding of public benefit for items A-G.

11. Adoption of Urgency Ordinance No. 4351 and Introduction and First Reading of Ordinance No. 4349 and Adoption of Resolution No. 2024-155 Amending Pomona City Code Chapter 30 (Licenses, Permits and Miscellaneous Regulations), Article X (Sidewalk Vending) and Creating New Regulations for Sidewalk Vending Operations

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

Introduce, waive further reading, and adopt the following:

1. **URGENCY ORDINANCE NO. 4351 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, PURSUANT TO SECTION 510 OF THE CITY CHARTER, AMENDING POMONA CITY CODE CHAPTER 30 (LICENSES, PERMITS AND MISCELLANEOUS REGULATIONS), ARTICLE X (SIDEWALK VENDING) AND CREATING NEW REGULATIONS FOR SIDEWALK VENDING OPERATIONS**
2. **ORDINANCE NO. 4349 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING POMONA CITY CODE CHAPTER 30 (LICENSES, PERMITS AND MISCELLANEOUS REGULATIONS), ARTICLE X (SIDEWALK VENDING) AND CREATING NEW REGULATIONS FOR SIDEWALK VENDING OPERATIONS; and**

Adopt the following resolutions:

3. **RESOLUTION NO. 2024-155 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE RULES AND REGULATIONS FOR SIDEWALK VENDING AND FINDING THE SAME EXEMPT FROM CEQA; and**
4. **RESOLUTION NO. 2024-183 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2024-25 OPERATING BUDGET BY APPROPRIATING \$16,000 FROM THE GENERAL FUND RESERVES TO COVER OVERTIME EXPENSES FOR THE ENFORCEMENT OF THE CITY'S SIDEWALK VENDING PROGRAM**

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

Development Services Director Betty Donovanik gave the staff presentation.

The following Public Speakers expressed support for the item:

Monique Robles

M. Joyce Bakersmith read a public comment letter from Laura Speidel Estel.

Deanna McClintick

Greg Estel

Joe Draper

Christopher Thomas Hernandez

Nef Cortez

Mirza Santos

Carol Anten

M. Joyce Bakersmith

The following Public Speakers expressed opposition to the item.

Fanny Millan

Kevin Torres

Aneesa Smith

Bryan Sanchez

Ellie O'Bosky

Ana Martinez

Elinor Crezcenzi

Esmeralda Santos

Public Speaker Guillermo Gonzalez asked questions about the item.

Public Speaker Alexis Teodoro requested a town hall to provide public speakers more opportunity to collaborate on developing the ordinances.

Public Speakers Maria Garcia, Evelia Rocha, and Patricia Mickeys submitted speaker cards but were not present to speak when called.

Public Speaker Lina Mira submitted a non-speaker card opposing the item and requested more opportunities for collaboration between all stakeholders.

Councilmember Ontiveros-Cole asked questions about the fine collection process.

Councilmember Lustro asked questions about the specifics of the ordinances. DSD Director Donovanik answered his questions.

Vice Mayor Garcia discussed concerns the ordinance would address, expressed support for the item and expressed a desire to have future conversations to improve these ordinances.

Councilmember Preciado asked questions about the ordinances, discussed concerns, and suggested additional strategies to address the safety concerns shared by the public.

Councilmember Nolte expressed support for the ordinance, and asked questions about the fine collection process. Assistant City Manager Mark Gluba answered Councilmember Nolte's questions.

Mayor Sandoval discussed the complexity of the topic, expressed support for the item and gave closing comments.

MOTION BY VICE MAYOR GARCIA, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to adopt Urgency Ordinance No. 4351.

MOTION BY VICE MAYOR GARACIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to introduce, waive further, and give first reading to Ordinance No. 4349; and adopt Resolution No. 2024-155 and Resolution No. 2024-183.

12. Adoption of Urgency Ordinance No. 4352 and Introduction and First Reading of Ordinance No. 4350 Amending Pomona City Code Chapter 46 (Streets Sidewalks And Other Public Places), Article IV (Encroachments) to add a New Division 4 (Sidewalk, Walkway, Off-Street Parking And Street/Roadway Obstructions)

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

Introduce, waive further reading, and adopt the following:

1. **URGENCY ORDINANCE NO. 4352 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, PURSUANT TO SECTION 510 OF THE CITY CHARTER, AMENDING POMONA CITY CODE CHAPTER 46 (STREETS SIDEWALKS AND OTHER PUBLIC PLACES), ARTICLE IV (ENCROACHMENTS) TO ADD A NEW DIVISION 4 (SIDEWALK, WALKWAY, OFF-STREET PARKING AND STREET/ROADWAY OBSTRUCTIONS)**

2. **ORDINANCE NO. 4350 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING POMONA CITY CODE CHAPTER 46 (STREETS SIDEWALKS AND OTHER PUBLIC PLACES), ARTICLE IV (ENCROACHMENTS) TO ADD A NEW DIVISION 4 (SIDEWALK, WALKWAY, OFF-STREET PARKING AND STREET/ROADWAY OBSTRUCTIONS); AND**

Adopt the following resolution:

3. **RESOLUTION NO. 2024-184 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2024-25 OPERATING BUDGET BY APPROPRIATING \$200,000 FROM THE GENERAL FUND RESERVES TO COVER OVERTIME EXPENSES FOR THE ENFORCEMENT OF SIDEWALK OBSTRUCTIONS**

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

Development Services Director Betty Donovanik gave the staff presentation.

The following public speakers expressed opposition to the item:

Natalia Saca
Anisa Lopez-Ruiz
Kai Chen
Evelia Rocha
Maria Garcia
James Sanbrano
Yesenia Miranda Meza

The following public speakers expressed support for the item:

Nef Cortez
Guillermo Gonzalez
Carol Anten
Francisco Jauregui

Public Speaker Heidi Ortega expressed support for the item and asked questions regarding the downtown area specifics of the ordinances.

Public Speaker M. Joyce Bakersmith asked various questions about the specifics of the ordinances.

Public Speaker Ellie O'Bosky asked questions and expressed concerns about the item.

Public Speaker Elinor Crescenzi expressed concerns and criticisms about the ordinances.

Public Speaker Jacob Hall submitted a speaker card for this item but was not present to speak when called.

City Attorney Carvalho commented on the differences between the proposed urgency and non-urgency ordinances, and answered some questions raised by public speakers.

DSD Director Donavanik provided some commentary to address some concerns raised by public speakers.

Vice Mayor Garcia commented on the public safety threats the ordinances aim to address.

Councilwoman Ontiveros-Cole commented on the safety issues she has witnessed, and expressed support for the item.

Councilmember Lustro commented on the safety issues and expressed support for the item.

Councilmember Nolte expressed concerns and asked questions about the urgency ordinance. DSD Director Donavanik and City Attorney Carvalho answered Councilmember Nolte's questions. Councilmember Nolte expressed opposition to the item.

Mayor Sandoval stressed the importance of addressing safety hazards presented when the right of way on sidewalks is blocked and asked the City Attorney to speak on the enforcement actions these ordinances would create. The City Attorney went over the actions City staff would be able to take should the ordinances be adopted. Mayor Sandoval requested the motion include staff give City Council notice when staff would need to issue a misdemeanor or infraction.

City Manager advised that could be done however at times on the sport infractions may need to be issued and in those instances, prior notice would be available to City Council.

MOTION BY COUNCILMEMBER ONTIVEROS-COLE, SECOND BY VICE MAYOR GARCIA, CARRIED 6-1 (COUNCILMEMBER NOLTE OPPOSED), to adopt Urgency Ordinance No. 4352 with the deletion of sub-section 13.

MOTION BY VICE MAYOR GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 6-1 (COUNCILMEMBER NOLTE OPPOSED), to introduce, waive further, and give first reading to Ordinance No. 4350; and adopt Resolution No. 2024-184.

PUBLIC HEARINGS

- 13.** Consideration of A Historic Landmark Designation (SHISTORIC 000606-2024) for the Property Located at 290 Heritage Court and Introduction and First Reading of an Ordinance Amending the Historic Overlay of the Zoning Map

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

- 1) Conduct public hearing and receive public testimony;
- 2) Adopt the following resolution:

RESOLUTION NO. 2024-176 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A SINGLE HISTORIC LANDMARK DESIGNATION REQUEST (SHISTORIC 000606-2024) TO DESIGNATE A RESIDENTIAL PROPERTY LOCATED AT 290 HERITAGE COURT

- 3) Introduce, waive further and give first reading to the following ordinance:

ORDINANCE NO. 4348 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE ZONING MAP, HISTORIC OVERLAY (H-OVERLAY) TO INCLUDE A LOCALLY DESIGNATED LANDMARK AT 290 HERITAGE COURT

Mayor Sandoval opened the public hearing.

Public Speaker Mike Suarez spoke in support of the item.

Mayor Sandoval closed the public hearing.

MOTION BY VICE MAYOR GARCIA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0 to adopt Resolution No. 2024-176; and introduce, waive further, and give first reading to Ordinance No. 4348.

14. A request to designate 366 East Columbia Avenue as a contributing resource to the Lincoln Park Historic District

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

RESOLUTION NO. 2024-175 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING FILE NO. HDD-001196-2024, DESIGNATING THE GUY THOMPSON HOUSE, LOCATED AT 366 EAST COLUMBIA AVENUE, AS A CONTRIBUTING RESOURCE TO THE LINCOLN PARK HISTORIC DISTRICT

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

MOTION BY VICE MAYOR GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0 to adopt Resolution No. 2024-175.

ADJOURNMENT

The City Council meeting adjourned at 11:16 p.m. on October 21, 2024.

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

Robles, Diana

From: Vanessa Medina Reynaga <vanessa@pomonadaylabor.org>
Sent: Monday, October 21, 2024 5:57 PM
To: City Clerk
Subject: Public Comment - Items 11 and 12

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good evening. My name is Vanessa, Citizenship Instructor, and I am with Pomona Economic Opportunity Center.

As PEOC, we are against today's multiple ordinances and resolutions under items 11 and 12, as written, for various reasons:

- We acknowledge the City's efforts in holding multiple stakeholder meetings on this issue. However, we believe that these meetings were not sufficiently publicized, thereby limiting the opportunity for the entire Pomona community to provide their input. We advocate for a more inclusive and democratic approach to decision-making.
- We agree that the city should invest in outreach and education campaigns to better understand these vendors' needs. However, we think this outreach campaign needs to happen before drastic measures to the city code and budget include additional funding to code enforcement. We need a widely publicized community process and more meaningful conversations with all street vendors, not just a small but loud group.
- We know there are concerns about bigger street vending enterprises coming from outside of Pomona. PEOC is concerned about how large street vending enterprises treat these workers. We want to ensure that there is no wage theft or abuse going on and that health and safety measures are followed regarding their staff, not just the food that they sell.
- When it comes to the fine process, we advocate for a differentiated approach. Larger enterprises should be treated differently from small, true family-owned businesses. As a day labor organization, we take seriously the potential impact of fines on the ability of working families to make a living.
- You are trying to pass multiple pieces of legislation (7) in one or two swoops, which does not give the public the proper notice of all the changes you are trying to pass today. It also does not give community groups an opportunity to fully understand and give meaningful feedback on the language of each of these changes to the Pomona City Code and Budget.

I urge you to not adopt Items 11 and 12 without sufficient community input and to prioritize outreach and education for Pomona's street vendors. Thank you.

In community,

--

Vanessa Reynaga

Citizenship Education Instructor

Pomona Economic Opportunity Center

1682 W. Mission Blvd. Pomona, CA 91766

Cell: (909) 716-7860

pomonadaylabor.org

Robles, Diana

From: Jessica Gaytan <jessica@pomonadaylabor.org>
Sent: Monday, October 21, 2024 5:35 PM
To: City Clerk
Subject: City Council Meeting 10/21: Items 11 and 12

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Good evening. My name is Jessica Gaytan, and I am with Pomona Economic Opportunity Center.

As PEOC, we are against today's multiple ordinances and resolutions under items 11 and 12, as written, for various reasons:

- We acknowledge the City's efforts in holding multiple stakeholder meetings on this issue. However, we believe that these meetings were not sufficiently publicized, thereby limiting the opportunity for the entire Pomona community to provide their input. We advocate for a more inclusive and democratic approach to decision-making.
- We agree that the city should invest in outreach and education campaigns to better understand these vendors' needs. However, we think this outreach campaign needs to happen before drastic measures like amending the city code and budget to add additional funding to code enforcement without having a more widely publicized community process and a more meaningful conversation with all street vendors, not just a small but loud group of them.
- We know there are concerns about bigger street vending enterprises coming from outside of Pomona. For PEOC, we are concerned about how the workers of these street vending enterprises are treated. We want to ensure that there is no wage theft or abuse going on and that health and safety measures are followed regarding their staff, not just the food that they sell.
- When it comes to the fine process, we advocate for a differentiated approach. Larger enterprises should be treated differently from small, true family-owned businesses. As a day labor organization, we take seriously the potential impact of fines on the ability of working families to make a living.
- The city is trying to pass multiple pieces of legislation (7) in one or two swoops, which does not give the public the proper notice of all the changes you are trying to pass today. It also does not give community groups an opportunity to fully understand and give meaningful feedback on the language of each of these changes to the Pomona City Code and Budget.

Sincerely,

--

Jessica Gaytán

Community Outreach Coordinator

Pomona Economic Opportunity Center

1682 W. Mission Blvd. Pomona, CA 91766

(Unceded Tongva Land)

Tel: (909) 397-4215

Cel: (909) 817-9244

pomonadaylabor.org

Pronouns: they/she/elle/ella

Robles, Diana

From: Fanelly Millan <fmillan@pomonadaylabor.org>
Sent: Monday, October 21, 2024 5:26 PM
To: City Clerk
Cc: CLAUDIA BAUTISTA; Alexis Nava Teodoro
Subject: ITEM: 11, Adoption of Urgency Ordinance No. 4351 & ITEM: 12

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good evening Pomona City Council,

My name is Fanelly Millan, organizer with the Pomona Economic Opportunity Center.

As PEOC, we are against today's multiple ordinances and resolutions under items 11 and 12, as written, for various reasons:

- We acknowledge the City's efforts in holding multiple stakeholder meetings on this issue. However, we believe that these meetings were not sufficiently publicized, thereby limiting the opportunity for the entire Pomona community to provide their input. We advocate for a more inclusive and democratic approach to decision-making.
- We agree that the city should invest in outreach and education campaigns to better understand these vendors' needs. However, we think this outreach campaign needs to happen before drastic measures like amending the city budget to add additional funding to code enforcement without having a more widely publicized community process and a more meaningful conversation with all street vendors, not just a small but loud group of them.
- We know there are concerns about bigger street vending enterprises coming from outside of Pomona. For PEOC, we are concerned about how the workers of these street vending enterprises are treated. We want to ensure that there is no wage theft or abuse going on and that health and safety measures are followed regarding their staff, not just the food that they sell.
- When it comes to the fine process, we advocate for a differentiated approach. Larger enterprises should be treated differently from small, family-owned businesses. The potential impact of fines on the ability of working families to make a living is a concern we take seriously as a day labor organization.
- You are trying to pass multiple pieces of legislation (7) in one or two swoops, which does not give the public the proper notice of all the changes you are trying to pass today. It also does not give community groups an opportunity to fully understand and give meaningful feedback on the language of each of these changes to the Pomona City Code and Budget.

I urge you to not adopt Urgency Ordinance No. 4351 without sufficient community input and to prioritize outreach and education for Pomona's street vendors. Thank you.

--

Fanelly Millán

Pomona Economic Opportunity Center

Inland Empire Coordinator

(909) 397- 4215

www.pomonadaylabor.org

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Robles, Diana

From: CLAUDIA BAUTISTA <claudia@pomonadaylabor.org>
Sent: Monday, October 21, 2024 5:17 PM
To: City Clerk
Subject: Public Comment for the City Council Meeting - Items 11 and 12

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good evening City Clerk,

This is my public comment regarding items 11 and 12 on today's city council meeting agenda.

Good evening. My name is Claudia Bautista Perales, Executive Director of the Pomona Economic Opportunity Center (PEOC). While I am unable to attend this meeting due to health reasons, I want to note my vote in opposition of Item 11. While we agree that changes are needed in the way that the city addresses the issues with street vendors, I am against today's ordinances and resolutions as written for various reasons:

1. We acknowledge the City's efforts in holding multiple stakeholder meetings on this issue. However, we believe that these meetings were not sufficiently publicized, thereby limiting the opportunity for the entire Pomona community to provide their input. We advocate for a more inclusive and democratic approach to decision-making.
2. We agree that the city should invest in outreach and education campaigns to better understand these vendors' needs. However, we think this outreach campaign needs to happen before drastic measures like amending the city budget to add additional funding to code enforcement without having a more widely publicized community process and a more meaningful conversation with all street vendors, not just a small but loud group of them.
3. We know there are concerns about bigger street vending enterprises coming from outside of Pomona. For PEOC, we are concerned about how the workers of these street vending enterprises are treated. We want to ensure that there is no wage theft or abuse going on and that health and safety measures are followed regarding their staff, not just the food that they sell.
4. When it comes to the fine process, we advocate for a differentiated approach. Larger enterprises should be treated differently from small, family-owned businesses. As a day labor organization, we take seriously the potential impact of fines on the ability of working families to make a living.
5. You are trying to pass multiple pieces of legislation (7) in one or two swoops, which does not give the public the proper notice of all the changes you are trying to pass today. It also does not give community groups an opportunity to fully understand and give meaningful feedback on the language of each of these changes to the Pomona City Code and Budget.

--

Claudia Bautista Perales, MSW
Executive Director
Pomona Economic Opportunity Center
1682 W. Mission Blvd. Pomona, CA 91766
Tel: (909) 397 4215
Cel: (951) 638 3769
pomonadaylabor.org

Pronouns: she/her/hers

Robles, Diana

From: Eddie Torres <eddie@ic4ij.org>
Sent: Monday, October 21, 2024 4:14 PM
To: City Clerk
Subject: Fwd: Letter in Opposition to Urgency Ordinance No. 4351 and No. 4349 (sidewalk vending)
Attachments: Letter in Opposition to Street Vendor Ordinance Pomona City Council .pdf; Letter in Opposition to Street Vendor Ordinance Pomona City Council .pdf

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Hello,

My apologies, I had a typo in the first email. Please see our letter of opposition to no. 4351 and no. 4349 (sidewalk vending) on tonight's city council meeting.

Thank you,
Eddie Torres
Policy Director
Inland Coalition for Immigrant Justice

----- Forwarded message -----

From: **Eddie Torres** <eddie@ic4ij.org>
Date: Mon, Oct 21, 2024 at 4:09 PM
Subject: Letter in Opposition to Urgency Ordinance No. 4351 and No. 4349 (sidewalk vending)
To: <cityclerk@pomona.ca.gov>, <tim.sandoval@pomonaca.gov>
Cc: Lizbeth Abeln <lizbeth@ic4ij.org>

Dear Mayor Sandoval and City Clerk,

My name is Eddie Torres, Policy Director with the Inland Coalition for Immigrant Justice. Please find attached our partner letter in opposition to the urgency ordinance no. 4351 and 4349. We have deep concerns regarding the punitive spirit of the language in this ordinance.

We respectfully call for a NO vote on this item and we would like to set up a meeting and discuss this issue further.

Sincerely,

Eddie Torres
Policy Director



Cell: (951) 464-5308

2441 N Sierra Way, San Bernardino, CA 92405



Support detained immigrants through ICIJ's Immigrant Liberation Fund! Donate Here: bit.ly/check4freedom

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Monday, October 21, 2024

Inland Coalition for Immigrant Justice
2441 N Sierra Way
San Bernardino, CA 92405-3547

City of Pomona
Mayor Tim Sandoval
505 S Garey Ave
Pomona, CA 91766

Re: Urgency Ordinance No. 4351 and Introduction and First Reading of Ordinance No. 4349
Amending Pomona City Code Chapter 46 (Sidewalk Vending ordinances)

Dear Mayor Sandoval and City Council,

The Inland Coalition for Immigrant Justice alongside the undersigned organizations write to you in opposition to Urgency Ordinance No. 4352 (Sidewalk Vending Ordinances). As a coalition and with our partners, we collectively advocate and work to improve the lives of immigrant communities while working toward a just solution to the immigration system. Of prime concern to our member organizations is the well-being of the sidewalk vendor community, which is largely made up of immigrants. As such, we have advocated for equitable sidewalk vending policies at the state, regional, and local levels.

Vendors in our community have expressed appreciation for the approach Pomona has taken toward sidewalk vendors and their clientele in recent months. We have also heard vendors express appreciation to the city and the community for your efforts to create alternatives such as recurrent Temporary Food Festivals such as the one in the parking lot of the Village at Indian Hill.

While we recognize the need for regulation out of a concern for food safety, traffic safety, and the rights of the disabled community, we fear the adoption of this set of ordinances de-emphasizes community education and equity in favor of strict enforcement.

Our concerns with urgency ordinance no. 4351 are as follows:

-The city did not communicate or work with community based organizations that work with street vendors or street vendors themselves prior to introducing this urgency ordinance. The city should allow for further discussion and community input before making a decision on this ordinance.

- The window to appeal a citation needs to be much longer as well. 10 days is not enough, we ask that the window be at least 90 days. Due to the possibility of frequent mailing delays, which significantly reduce the response time from claimants, and it takes time for vendors to get translation in the language they understand. Extending the appeal window can allow for more robust ability to respond and the strengthening of vendors due process rights.
- The overall vagueness of the language in the ordinance is extremely concerning, especially the language that allows city employees to classify what is an obstruction at their discretion, and the discretion to confiscate the equipment/material from the street vendors.
- The ordinance sets hefty fines that can disrupt the lives of Pomona street vending families, many who are living paycheck to paycheck.
- The lack of clear justification for the restrictions of where vendors can sell is troubling. Banning vendors in all public sidewalks, including parks, to preserve its “scenic quality” is overly broad and not related to the goals of preserving the scenic character of the and violates state law (SB 946).

We, the undersigned, have significant concerns with various aspects of the proposed ordinance and we request to meet with the mayor and city staff to discuss and improve the language of this ordinance. We ask that the Mayor and Council vote NO on this item that will negatively impact the livelihood of many Pomona residents and street vendors. Together we can create a vibrant community that works for all of us.

Sincerely,

ACLU of Southern California
Public Counsel
Gente Organizada
Center for Community Action and Environmental Justice
Warehouse Worker Resource Center
Hispanos Unidos
Inland Empire-Immigrant Youth Collective
Inland Coalition for Immigrant Justice
San Bernardino Community Service Center

Monday, October 21, 2024

Inland Coalition for Immigrant Justice
2441 N Sierra Way
San Bernardino, CA 92405-3547

City of Pomona
Mayor Tim Sandoval
505 S Garey Ave
Pomona, CA 91766

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- The window to appeal a citation needs to be much longer as well. 10 days is not enough, we ask that the window be at least 90 days. Due to the possibility of frequent mailing delays, which significantly reduce the response time from claimants, and it takes time for vendors to get translation in the language they understand. Extending the appeal window can allow for more robust ability to respond and the strengthening of vendors due process rights.
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- The ordinance sets hefty fines that can disrupt the lives of Pomona street vending families, many who are living paycheck to paycheck.
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Sincerely,

ACLU of Southern California
Public Counsel
Gente Organizada
Center for Community Action and Environmental Justice
Warehouse Worker Resource Center
Hispanos Unidos
Inland Empire-Immigrant Youth Collective
Inland Coalition for Immigrant Justice
San Bernardino Community Service Center

Robles, Diana

From: Mitch Elias <mitch.elias@yahoo.com>
Sent: Monday, October 21, 2024 2:20 PM
To: City Clerk
Cc: Sandoval, Tim; Gutierrez, Anita
Subject: Item 11 of the Agenda / Adoption of Urgency Ordinance No. 4351

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Good Evening Mayor and Council,

I am glad the city is taking the next steps to create an ordinance in order to deter vendors who are operating unlawfully within our city. They have been operating with little regard to safety or fear of consequences. The most egregious is the blocking of our sidewalks with their setups from morning to night, creating a hazard for pedestrians, especially our seniors, students and ADA citizens. With that being said, I believe staff needs to re-evaluate certain areas of this ordinance. They are as follows:

- Ideally, create a space for the vendors vs scattered throughout the city, a vending district.
- Reduce the number of permits to 1 vs. 2 permits per legal entity. No need to double the pollution on our streets and increase the workload of enforcement which equals an increase in cost.
- Limit the amount of permits allowed annually, our city is large and this can get out of control very quickly.
- Other cities are required an annual application fee + an additional fee for each employee, this helps control the scale of the vendor setup. Typically, this fee is 25% of the application fee per individual. For example, if the application is fee \$400, the cost for each additional employee would be \$100. Vendors without employees must submit a letter addressed to the City of Pomona stating they no employees as part of the application package.
- Insurance should include Liability Workers Compensation insurance with limits to California Statutory Limits, as required by the Labor Code of the State of California.
- Reduce the hours they are allowed to be on our sidewalks, to a 4 -6 hour increment.
- Require the vendors to include their California Sellers Permit in the application along with the LA County Department of Health Permit.
- Require vendors to submit a proposed schedule with a maximum of 4-6 hours per day.
- Require vendors to submit a detailed site plan, inclusive of receptable dimension, location, street name and demonstrate the distance/sidewalk requirements are proposed to be met.
- Require the vendors to have a maintenance plan, litter pickup in the vicinity of the proposed vending site/location or proposed vending route (if roaming vendor, as well as lawful disposal of any liquid or solid waste resulting from the vending operation (including, but not limited to, fats, oil, juice, cooking materials, scraps, etc.). The maintenance plan shall also include a description of how any equipment used in the sidewalk vending operation (including, but not limited to, utensils, containers, grills, etc.) will be cleaned and sanitized.
- The penalties and fines need to be increased to help discourage vendors from operating unlawfully. Suggested fines would be as follows:

- Section (a) of the Attachment:

- \$250 for first violation
- \$500 for second violation within one year of the first violation
- \$750 for each additional violation within one year of the first violation
- Eventual confiscation of equipment for vendors that habitually violate the ordinance (4 or more violations within 1 year).

- Section (b) of the Attachment:

- \$500 for the first violation
- \$1,000 for the 2nd violation and subsequent violations within one year of the first violation.
- Eventual confiscation of equipment for vendors that habitually violate the ordinance (4 or more violations within 1 year).

- The \$200k budgeted does not seem feasible for enforcement and administrative man hours, this may be understated.

Please take a serious look at the bullet points mentioned above and consider making changes/corrections to the proposed ordinance.

Best Regards,

Mitch Elias
mitch.elias@yahoo.com