



# City of Pomona

505 South Garey Avenue  
Pomona, CA 91766

## Meeting Minutes - Draft

### City Council

*Mayor Tim Sandoval*  
*Council Member Rubio R. Gonzalez*  
*Council Member Adriana M. Robledo*  
*Council Member Cristina Carrizosa*  
*Council Member Elizabeth Ontiveros-Cole*  
*Council Member Ginna E. Escobar*  
*Council Member Robert S. Torres*

#### VISION STATEMENT

*Pomona is a vibrant city providing a safe, clean, family oriented community. We are committed to being a city that promotes harmonious diversity and economic prosperity.*

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Monday, February 6, 2017

6:45 PM

Council Chambers

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**5:30 P.M.**

### **CLOSED SESSIONS**

5:37 P.M.

### **Public Comment:**

**A. LIABILITY CLAIMS** (Pursuant to Government Code Section 54956.95)

Claimant: Christian Irias  
Against: City of Pomona

**B. CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to Government Code Section 54957.6)

Part Time Unrepresented Employees  
Unrepresented Group A and B Employees  
Unrepresented Mid-Management Group C-2 Employees  
Pomona City Employees' Association, a Chapter of Teamsters Local 1932  
Pomona Mid-Management Confidential Employees Association (PMMCEA)  
Pomona Police Officers Association (PPOA)  
Pomona Police Managers Association (PPMA)

Labor Negotiators: Linda Lowry and Linda Matthews

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** (Pursuant to Government Code Section 54956.8)

Property: VPD Lots 6 & 7 (APNs 8341-003-901 and 8341-004-902)  
Vacant VPD Lots (APNs 8341-003-903, 904, 905, 906, 907, 908 and 909); the Gist Building (APN 8341-003-902)

Negotiating Party: Maya Cinemas  
City's Negotiator: Linda Lowry, City Manager  
Under Negotiation: Price and Terms

Property: 101 W. Mission Blvd., Mission Promenade I  
Negotiating Party: 1) OPTIMAX Irrevocable Trust I and Private Eq. Irrevocable Trust II, and 2) Gurbax Bhasin

Successor Agency's  
Negotiator: Linda Lowry, City Manager/Executive Director  
Under Negotiation: Price and Terms

**6:45 P.M.**

**CALL TO ORDER**

The meeting was called to order at 6:57 P.M.

**ROLL CALL**

**Present:** 7 - Mayor Tim Sandoval  
Council Member Rubio Gonzalez  
Council Member Adriana Robledo  
Council Member Cristina Carrizosa  
Council Member Elizabeth Ontiveros-Cole  
Council Member Ginna E. Escobar  
Council Member Robert Torres

**STAFF PRESENT:** Linda Lowry, City Manager  
Arnold Alvarez Glasman, City Attorney  
Candice Alvarez, CMC, Deputy City Clerk  
Genoveva Rocha, Deputy City Clerk

**PLEDGE OF ALLEGIANCE**

Councilmember Ontiveros-Cole led the Pledge of Allegiance to the Flag.

**CITY ATTORNEY REPORT ON CLOSED SESSION DISCUSSIONS**

City Attorney Alvarez-Glasman stated that the City Council convened into Closed Session at 5:37p.m. and that the items listed on the agenda had been announced prior to recessing into Closed Session and reported the following:

Item A: This item was not discussed.

**Vice Mayor Robledo arrived at 5:55 p.m. and Councilmember Escobar arrived at 6:20 p.m.**

Item B-1: This item was not discussed.

Item C-1: This item was presented to the Council and was discussed; however, no final action was taken and there is nothing further to report. The item will be on a future agenda for consideration..

Item C-2: This item was not discussed.

**The City Council recessed from Closed Session at 6:45p.m.**

## **PRESENTATIONS**

- A.** Approve and present a Proclamation of the City Council of the City of Pomona, California, proclaiming the month of February 2017 as "American Heart Month" in the City of Pomona

The City Council approved and Mayor Sandoval presented to Alfredo Camacho of Day One a Proclamation of the City Council of the City of Pomona, California, to Alfredo Camacho, proclaiming the month of February 2017 as "American Heart Month" in the City of Pomona.

- B.** Receive the San Gabriel Valley Energy Wise Partnership's 2016 Energy Efficiency Award from the San Gabriel Valley Council of Governments (SGVCOG) and Southern California Edison (SCE) for the Energy Savings Impact of an Individual Project. The City of Pomona was selected for the award for its retrofit streetlight project

Marisa Castroselvadi of Southern California Edison presented the San Gabriel Valley Energy Wise Partnership's 2016 Energy Efficiency Award from the San Gabriel Valley Council of Governments (SGVCOG) and Southern California Edison (SCE) for the Energy Savings Impact of an Individual Project to Environmental Programs Supervisor Julie Carver, Senior Civil Engineer Ron Chan, and acting Public Works Director McWade.

- C.** Present a Certificate of Recognition to Ernesto "Tito" Mercado

Mayor Sandoval presented a Certificate of Recognition to Ernesto "Tito" Mercado.

## **MAYOR/COUNCILMEMBER COMMUNICATIONS**

Councilmember Torres requested that Staff provide a list of the City's accomplishments so that he can provide that information to the residents.

Councilmember Escobar informed that on January 25, 2017 she represented the City of Pomona at Mayor Garcetti's Office and she was honored as one of the only South Americans sitting in office for Council. She Reported on her attendance at the Independent Cities Association from January 26 to January 29, 2017 as a delegate to where attendees discussed Measure MS4 regarding water compliance, law enforcement and how to ensure that they are not overly worked or stressed, and how communities can help alleviate some of the stressors law enforcement officers encounter to ensure law enforcement is as useful as possible; recognized Police Chief Capraro for being a good leader; spoke on her attendance at the Southern California Association of Government Emergency Preparedness; and informed that she attended the Water Education for Latino Leaders Storm Water Collection at which she received a scholarship for a one-year fellowship to represent the City and which aims to make an impact on water issues and policy while addressing individual and community challenges.

Councilmember Gonzalez reported on the E-Waste pickup at St. Joseph's Church on February 4, 2017; informed that he, Mayor Sandoval, and Three Valley's Municipal Water District Director Carlos Goytia did an impromptu bulky item pickup; spoke on his attendance, along with several Councilmembers, at the Vietnamese performance celebrating Lunar New Year; informed of his

attendance at Big D's Restaurant ribbon cutting; stated that he attended Officer Stevenson's fundraiser at Sanctum Brewery and commented that it was well-attended; informed that January 27, 2017 was International Annual Holocaust Remembrance Day; and requested a proclamation in April for the Days of Remembrance in honor of the victims of the Holocaust.

Councilmember Ontiveros-Cole spoke on the ribbon cutting at Big D's Burgers, commented that it is a family friendly place, and asked that the residents patronize the restaurant; and spoke on Vietnamese Lunar New Year, noting that she felt honored to have been extended an invitation.

Councilmember Carrizosa commented that she, along with Councilmembers Ontiveros-Cole, Gonzalez, and Torres and Mayor Sandoval, attended the Vietnamese celebration of the Lunar New Year; agreed that it was a spiritual activity that is combined with fun; expressed; informed that former Councilmember Lantz was presented with a plaque for her being a consistent friend of the Vietnamese community; and congratulated Councilmember Escobar on receiving the scholarship from WELL.

Councilmember Escobar stated she was very excited and proud to have received the scholarship and thanked Water Waste Water Director Darron Poulsen for assisting her with the application process.

Vice Mayor Robledo congratulated Councilmember Escobar on her scholarship award; informed she was not able to attend the ribbon cutting for Big D's Burgers but noted that she did have the opportunity to go to the restaurant prior to the ribbon cutting; requested that the community support the restaurant; thanked Dr. Vo and the Vietnamese Community for always engaging the City in their celebration.

Mayor Sandoval spoke on his participation in Principal for the Day with Superintendent Richard Martinez and Erica Frausto of the Pomona Chamber of Commerce; stated that they visited many schools in the City and commented that the City has amazing schools, students, teachers, and administrators; spoke on his attendance at the Vietnamese Lunar New Year and his visit to the Pomona Public Library for the 150th Annual Laura Ingalls Wilder Gingerbread Sociable; informed that on Saturday, March 4, 2017, he was able to see the work that has been completed at Casa Colina, encouraged the community to visit the center, and reported that Office Stevenson is at Casa Colina and that he is making progress every day, asked that everyone continue to keep him in their prayers, and thanked Casa Colina for being a special place that helps transforms lives.

## **CITY MANAGER COMMUNICATIONS**

City Manager Linda Lowry requested that Agenda Item No. 3 be continued to the next regular City Council meeting on February 27, 2017 for further review before it is brought forward to the Council; and requested that Agenda Item No. 9B be added to the agenda due to it coming up after the posting of the agenda. The City Council conceded to continue Agenda Item No. 3.

**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ROBLEDO, CARRIED 7-0 to add Agenda Item No. 9B to the Consent Calendar.**

## **PUBLIC PARTICIPATION**

Douglas C. Pierce, Pomona, spoke on his former property in the City of Pomona, court hearings, and the fines he has previously paid.

Christian Irias, Pomona, spoke on issues he has encountered while attempting to remove a tree on his property; requested that the Council waive his fees for removal of the tree that is currently causing damage to his plumbing; addressed Councilmember Gonzalez's appointment of former Councilmember Martin to the Historic Preservation Committee and expressed that he is not in favor of the appointment.

Hilda Magallanez, Pomona, spoke on issues surrounding Mr. Irias' permit for tree removal; spoke on a public records request for a permit on former Councilmember Martin's property; expressed concern that Mr. Irias was told he could not speak on the tree permit because the item was not agendaized; and stated that it is important that residents know they can speak on issues that are important to them.

Letty Corral, Pomona, informed the City Council that she is concerned for herself and neighbors due to the increase of homeless people in the alley near her home and the drug activity that is ongoing; and expressed that it was unfair other cities were making their cities safe by relocating the homeless to Pomona and increasing the number of homeless people in Pomona.

Mayor Sandoval referred Ms. Corral to Neighborhood Services Director DeFrank and Police Chief Capraro so that they can advise her how to address the situation.

Councilmember Gonzalez added that the situation was being addressed and asked for patience from the residents.

Zer-Hayyim Feyer, Pomona, spoke on sanctuary cities and commented that the City of Claremont adopted a Resolution that omits the term sanctuary; and requested that the City Council consider adopting a similar Resolution.

Mayor Sandoval informed Mr. Feyer that Pomona has adopted a Resolution and that those who drafted Pomona's Resolution helped draft the Resolution that the City of Claremont adopted.

Councilmember Carrizosa informed that the language on Claremont's Resolution is very similar to that on the Resolution that the City of Pomona passed on December 5, 2016.

Jose M. Vadi, Pomona, requested that the City Council add the suspension of the F-Zone to the next Council meeting and to re-impose Conditional Use Permits (CUP) to protect the tax payers and residents that live in the area surrounding the Fairplex; spoke on the deaths at the raves and traffic congestion which endangers health and safety in the event of an emergency; and requested that the City hold the Fairplex accountable and resolve the issue locally.

Dr. Roger Wong, Pomona, spoke on medical marijuana and how it could benefit cancer and AIDS patients; and spoke on making the use of marijuana in the City a win-win situation for everyone by reducing the City's debt and addressing the homelessness issue with the taxes that could be generated by marijuana sales.

Virginia Vietta Beltran, Pomona, informed she is retired from law enforcement and has been involved in many committees that help homelessness; informed that she was once homeless herself by choice and offered to participate on any committees that may arise to help homelessness and to be an active participant in helping the City.

Noemi Rosamaker Frias was not present to speak.

Dawn Van Allen, Pomona, spoke on the City's Commissions; requested that the City Council continue to see the necessity of their Commissions and appointees and to give them authority in City matters.

Chris Brown, Pomona, spoke the need for a left yield or left turn signal on Towne and Harrison because it

leads to accidents; spoke on the new development at Towne and Harrison and an electrical box that needs to be fixed in that area; discussed the lack of accountability with the Foothill Transit system and their transportation times; and expressed he was excited with the direction of the new Council.

Mayor Sandoval acknowledged that he has known Mr. Brown for a long time, commented that he attended schools in Pomona and Union College in New York, and referred Mr. Brown to speak with Acting Public Works Director McWade.

Lisa P. Gomez, Pomona, was not present to speak.

Lorna Lee Vacari, Pomona, was not present to speak.

Kathryn Have, Pomona, did not wish to speak but requested that the City Council to place the F-Zone on an agenda.

Fred Van Allen, Pomona, complimented the Pomona Police Department for a successful vice sweep; commented that the Police Department is understaffed and overworked; and invited the audience to the March Against Trafficking on April 13, 2017.

Judith St. John, Pomona, spoke on the F-Zone and the repercussions that have resulted since the F-Zone was revised in 2004 by a previous Council; stated that there is no oversight or regulation by the City; and requested that the Council suspend, study, and replace the F-Zone.

Jesus Sanchez, Pomona, stated that he works for two non-profit organizations in Pomona with the youth and parents of the City; requested transparency with the presence of ICE in community and agreements that the City has with the agency; and requested the agreements that are in place and which individuals are impacted by such agreements.

Mayor Sandoval referred Mr. Sanchez to the Police Chief Capraro.

Alfredo Lamon Edmond, Pomona, informed that he would like to meet with the City Council and inquired how he could schedule meetings with them; and apologized for not being available when he was previously contacted.

Mayor Sandoval informed that the City Council does receive messages left by residents and noted that the Council does try to contact residents in a timely manner.

Councilmember Gonzalez provided his card to Mr. Edmond and informed that the number on his card is his direct City phone number.

Elvia Bernal, Pomona, spoke on her concerns regarding the proposed gas station on the corner of Towne Avenue and Philadelphia Street near Philadelphia Elementary School and community center; informed that it would be dangerous for children walking to and from school; also informed that Cal Poly students conducted a study which showed that the intersection is dangerous; and requested that the City Council consider the children's safety.

Councilmember Carrizosa informed that the project had been appealed and commented that anyone interested could attend the next Council meeting to express their opinion on this item.

Benjamin Wood, Pomona Economic Opportunity Center, expressed concern over the agreement the City has with ICE; stated that he was surprised because he had previously been told the City does not work with ICE; stated that he is not trying to alarm people in the community and that is trying to reassure members

of the community; stated that he submitted a public records request to obtain more information on the agreement the City has with ICE.

Mayor Sandoval invited Mr. Wood to speak with Police Chief Capraro and stated that the City and the Council are committed to the Resolution that the previous Council adopted.

Tomas Ursua, Pomona, spoke on different city issues pertaining to reporting crimes, street conditions, and lack of City funds for library services; requested that the City Council discuss and review what has been done in the past with economic development; and spoke on homelessness and homeownership.

Arturo Jimenez, Pomona, spoke on the proposed gas station on Towne and Philadelphia and informed he is opposed to the project; spoke on homelessness; informed that he is a current Community Life Commissioner and is interested in moving the commission in the direction of a "Keep Pomona Beautiful Commission" that focuses on litter removal in the City.

Patricia Anderson, Pomona, stressed the importance of transparency, trust, and checks and balances; and requested that the F-Zone be agendaized.

Mario Ramos, Pomona, informed he lives near the Fairplex and requested that the F-Zone be suspended to what was in place prior to 2004; stated that the review is long overdue and that it is necessary to create a committee to reevaluate what will work for both the residents and the Fairplex; and spoke on several audits that have been done on the Fairplex and the necessity to make changes to the F-Zone.

Christopher Kim, Better America Foundation, commended Councilmembers Escobar and Robledo for taking a proactive stance on parking in downtown Pomona and Councilmember Gonzalez for taking a stance on the business community.

Katie Hudson, Pomona, urged the City Council to be progressive and forward thinking Councilmembers, think outside of the box, and get creative when it comes to generating funds for the City; and suggested looking at surrounding cities to use a model.

Danny Hernandez, Pomona Valley Hospital, spoke on poor communication, unsanitary conditions, and patient care at the hospital; spoke on the employees' choice to form a union; stated hospital administrators are not acknowledging their choice to unionize and that they would like to partner with administrators to improve conditions for patients; and requested that the City Council contact the hospital CEO to discuss better conditions for the patients and workers.

Milagro Hernandez, Pomona Valley Hospital, addressed safety concerns at the hospital; stated that she fears for the patients, coworker's, and her own safety; stated security is understaffed and only enforces parking; requested that the Pomona Police Department take reports when staff is assaulted; and requested help from the City Council to address these issues with the hospital administrators.

Councilmember Carrizosa informed that she and former Councilmembers signed a letter supporting the workers' efforts to unionize.

Dr. Reyna Garcia-Ramos, Pomona, thanked Mayor Sandoval for calling a Study Session on the F-Zone; informed that residents have been coming to Council meetings since 2004 when the F-Zone was put in place and most recently in October of 2016; requested that the F-Zone be suspended until an Ordinance can be adopted that protects the residents and taxpayers of the community; and requested that speakers disclose their relationship to the Fairplex when they speak on the item.

Gustavo Ramirez, Pomona, congratulated the City Council, thanked them, and acknowledged that they

have a difficult job; spoke on the current presidential administration; and presented Police Chief Capraro with a certificate of recognition.

Erin Runions was not present to speak.

Chris Gutierrez, Pomona, welcomed the new City Council, expressed concern for the proposed gas station on Towne Avenue and Philadelphia Street, stated that there is not a shortage of gas stations and feels it would be dangerous considering it is near a school and park; and stated that he would like to form a men's circle to have a safe space where they can guide the youth.

Brian Brooks, Pomona, spoke on the F-zone; thanked Councilmember Torres for his efforts to put the F-Zone on a study session agenda; stated he supports the City Council and would appreciate any help from the City Council; stated he is in favor of returning the F-Zone to what was in place prior to 2004; and spoke on the homeless situation.

## **CONSENT CALENDAR**

Mayor Sandoval requested that City Attorney Alvarez-Glasman read the City Council Rules of Procedure and Decorum.

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0 to approve the Consent Calendar with Agenda Item No. 3 being continued and Agenda Item No. 9 pulled for discussion.**

1. The City Council approved the draft minutes of the City Council Special Meeting of December 14, 2016, Special Study Session of December 19, 2016, and Regular Meeting of December 19, 2016.

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

2. The City Council adopted a Resolution authorizing the acceptance of thirty project-based vouchers funded by the U.S. Department of Housing and Urban Development's Veterans Affairs Supportive Housing (VASH) Voucher Program in the amount of \$373,154 to operate the Pomona Project-Based VASH Voucher Program effective July 1, 2017.

### RESOLUTION NO. 2017-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THIRTY PROJECT-BASED VOUCHERS FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) VOUCHER PROGRAM IN THE AMOUNT OF \$373,154 TO OPERATE THE POMONA PROJECT-BASED VASH VOUCHER PROGRAM EFFECTIVE JULY 1, 2017

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

3. Adopt the Electronic Reader Board Messaging Policy (Plaza Park)

**This item was continued to the February 27, 2017 Regular City Council meeting.**

**This Consent Calendar was continued.**

4. The City Council adopted a Resolution amending the Fiscal Year 2016-17 Budget by correcting the CalRecycle Grant account number for the Homeless Encampment Action Response Team (HEART) Program

## RESOLUTION NO. 2017-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2016-17 BUDGET BY CORRECTING THE CALRECYCLE GRANT ACCOUNT NUMBER FOR THE HOMELESS ENCAMPMENT ACTION RESPONSE TEAM (HEART) PROGRAM FROM 565-2526-XXXXX-50900 TO 215-2526-XXXXX-50900

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

5. The City Council approved the selection of Volunteers of America Los Angeles (VOALA) as a subrecipient of Continuum of Care Rapid Rehousing Funds in the amount of \$558,628.

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

6. The City Council accepted Staff's recommendation to explore possible refinancing of current Bond Series AU/AV (City), AR (Pension), BA (Sewer), AY/AZ (Water) and /X/Y/AD/AH/AQ/AS/AT/AW/AX(Reddevelopment/Successor Agency) and confirm a financing team composed of Urban Futures (Financial Advisor), Zeigler Investment Banking (Underwriter), and Stradling Yocca Carlson & Rauth (Bond and Disclosure Counsel).

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

7. The City Council adopted Resolutions amending the Personnel Rules and Regulations for Group A and B Employees, authorized staffing levels within the Fiscal Year 2016-17 Operating Budget for the Water and Wastewater Operations Department, and the Citywide Salary Schedule to reflect classification changes in the Water and Wastewater Operations Department

## RESOLUTION NO. 2017-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA AMENDING THE PERSONNEL RULES AND REGULATIONS FOR EXECUTIVE MANAGEMENT GROUP A AND B EMPLOYEES AND AMENDING THE AUTHORIZED STAFFING LEVELS IN THE WATER AND WASTEWATER OPERATIONS DEPARTMENT IN THE FISCAL YEAR 2016-17 OPERATING BUDGET TO RECLASSIFY TWO POSITIONS TO WATER AND WASTEWATER OPERATIONS MANAGER AND WATER UTILITY WORKER I/II

## RESOLUTION NO. 2017-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING AMENDMENTS TO THE CITY OF POMONA'S SALARY SCHEDULE TO ADD THE CLASSIFICATION OF WATER AND WASTEWATER OPERATIONS MANAGER AND TO MEET THE CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 2, SECTIONS 570.5 AND 571

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

8. The City Council approved an appointment to fill a District 5 vacancy on the Board of Parking Place Commissioners (Vehicle Parking District).

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

9. The City Council adopted a Resolution in support of Measure H - the Los Angeles County Plan to Prevent and Combat Homelessness.

RESOLUTION NO. 2017-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ASSERTING CITY SUPPORT FOR MEASURE H - A COUNTYWIDE MEASURE TO PREVENT AND COMBAT HOMELESSNESS, TO BE HELD IN THE COUNTY OF LOS ANGELES ON MARCH 7, 2017

**This item was pulled for discussion.**

- 9A. The City Council adopted a Resolution approving a Memorandum of Understanding between the City of Pomona and the Pomona Police Officers' Association, Inc. (PPOA) for Fiscal Year 2016-17.

RESOLUTION NO. 2017-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING, RATIFYING, AND ORDERING IMPLEMENTATION OF A ONE (1) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA POLICE OFFICERS' ASSOCIATION, INC.

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

- 9B. The City Council authorized Staff to submit letters of support for SB1 (Beall) Transportation Funding and AB1 (Frazier) Transportation Funding.

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

**ITEM PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION**

9. The City Council adopted a Resolution in support of Measure H - the Los Angeles County Plan to Prevent and Combat Homelessness.

RESOLUTION NO. 2017-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ASSERTING CITY SUPPORT FOR MEASURE H - A COUNTYWIDE MEASURE TO PREVENT AND COMBAT HOMELESSNESS, TO BE HELD IN THE COUNTY OF LOS ANGELES ON MARCH 7, 2017

Daniel Cole submitted a speaker card in favor of Measure H but did not wish to speak.

Virginia Beltran, Pomona, informed that the former YMCA building is up for sale and requires restoration; stated that she has been an advocate for Veterans and is aware that many were displaced when the YMCA was sold; stated that because this is a historical monument, there should be funds to have it restored; and stated that she will be meeting with the realtor to see what steps to take in order to restore the building.

Beth Steckler, Deputy Director of Move L.A., stated she is in support of Measure H; stated there are 47,000 homeless people in Los Angeles County and that Measure H is an opportunity to meet the needs at the scale they are seen in the community and to provide support to those in need.

Patricia Anderson, Pomona, stressed the importance of the surrounding cities sharing the responsibility of homelessness issue and not allowing the City of Pomona to become the only City to address the issue.

Miguel Santana, President and CEO of Fairplex, stated that he is in support of Measure H; informed that prior to being employed with the Fairplex, he was a City Administrator Officer for the City of Los Angeles and Deputy County Executive where he oversaw the homeless programs with the County; noted that he has worked with homeless issues throughout most of his career and that Measure HHH was approved to build permanent supportive housing in Los Angeles County; informed that Measure H is a County-wide measure that is also about supportive services; and stated he is available to assist in any way and looks forward to working with the City Council.

**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

**Aye:** 7 - Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Torres

## **DISCUSSION CALENDAR**

- 10.** The City Council approved a Finding of Public Benefit to the Community at Large for Recommended Expenditures and recapped final funding amounts for previously approved findings

### **CURRENT REQUEST:**

- A) Amount to be determined to the Pomona Inland Valley Martin Luther King, Jr. Project in support of their 35th Annual Celebration Program - Requested amount: TBD

Councilmember Carrizosa informed that this item had previously been approved but she and some of the former Councilmembers had forgotten to allocate the funds; and requested that the Mayor and Councilmembers contribute to Item 10A.

**MOTION BY VICE MAYOR ROBLED0, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0.**

**Aye:** 7 - Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Torres

- 11.** The City Council adopted a Resolution approving a Disposition & Development Agreement with Maya Cinemas North America, Inc. for development of a 12-14 screen Maya Cinemas project on City/VPD Lots 6 and 7, the Gist Building, and the adjacent vacant Lot in Downtown Pomona and for development of a 725+ stall Parking Structure on Vehicle Parking District Lot 10

### **RESOLUTION NO. 2017-16**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A DISPOSITION & DEVELOPMENT AGREEMENT WITH MAYA CINEMAS NORTH AMERICA, INC. FOR DEVELOPMENT OF A 12-14 SCREEN MAYA CINEMAS PROJECT ON CITY/VPD LOTS 6 AND 7, THE GIST BUILDING, AND THE ADJACENT VACANT LOT IN DOWNTOWN POMONA ND FOR DEVELOPMENT OF A 725+ STALL PARKING STRUCTURE ON VEHICLE PARKING DISTRICT LOT 10

Deputy City Manager Kirk Pelser gave a brief presentation on this item.

Moctesuma Esparza, Maya Cinemas North America, Inc., informed the City Council and community that he had learned a lot about Pomona by listening to the impassioned concerns that people have about transparency, development, and the taxpayer's money; informed that he was prepared to come back, listen to the community, and answer any questions relating to the project; spoke on his background as a community organizer and his devotion to uplifting Latinos in this country; reassured the community that the taxpayer's money would not be invested in the construction of the theatre and that every community is entitled to have a first class entertainment center; and spoke on the creation of jobs for the youth in the community.

The following spoke in opposition of the item:

Patricia Anderson  
Barry K. Anderson  
Mario Ramos  
Elvia Bernal  
Linda Hinojos  
Elmer Vidana  
Judith St. John

The following submitted speaker cards in opposition of the item but did not wish to speak:

Susan Tantee  
Jose M. Vadi  
Kathryn Have  
Yensy Aguilar

The following spoke in favor of the item:

Ron Vandermolen  
Nathan W. Neighbor  
Pete Anthony Valenzuela  
Ignacio Gomez  
Joseph George  
Dan Rodriguez  
Chris Brown  
Eric Trypucko  
Brian Mundy  
Larry Egan  
Marla Neighbour  
George Cutress  
Fred Van Allen  
Dawn T. Van Allen  
Thomas Hsieh  
Victor Caceres  
Sandra Mendoza  
Carlos Goytia  
Moctesuma Esparza  
Juan Vega was not present to speak but was in support of Item 11.

The following submitted speaker cards in support of the item but did not wish to speak:

Ann M. Tomkins

Shelley Stone-Schmidt  
Ion Puschila  
Laura M. Mundy

The following submitted speaker cards but did not speak nor indicate whether they were in support or in opposition of the item:

Tomas Ursua  
Rafael Navarro

Councilmember Robledo stated she had previously met Mr. Esparza and was familiar with his work and his background as a community organizer; commented that there is a possibility of failure when projects come to the City but having seen Mr. Esparza's vested interest, his commitment, and the different theaters he has promoted, did not see this project failing; expressed that she knows families will frequent the theater, noting that the residents in Fresno work in the fields and still attend movies; and stated that she is faithful that the money will come back to the City to help pay for infrastructure.

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, to approve the Disposition and Development Agreement with Maya Cinemas North America, Inc.**

Councilmember Escobar compared the demographics of other cities where Mr. Esparza has movie theatres to the City of Pomona and informed that the demographics are very similar; informed that there are many mom and pop shops in the City; stated her business failed when it was downtown due to the lack of family-friendly businesses which causes many small businesses to fail; mentioned that many people frequent neighboring cities to watch movies and spend their money at restaurants near theaters; expressed that she did not want this project to move on to another City or to look back on what could have been had they approved this project; and stated she supports this project and hopes to see it come to fruition soon.

Councilmember Ontiveros-Cole stated that she had met with Mr. Esparza and asked several questions; expressed she was not against the project and that this project is not only for the Latino community but for everyone in the City; commented that she did not receive the answers she wanted and would like Mr. Esparza to give more information; proposed having a study session on this project; expressed that she wants progress in the City but that she needs more information, and suggested having an independent consultant look over the items.

Councilmember Gonzalez thanked Mr. Esparza and informed that he is familiar with all of his projects, including the theaters, that have succeeded; stated Mr. Esparza's track record speaks for itself and that he knows that his movie theater would succeed in Pomona; expressed appreciation for the passion on both sides; commented that there are several schools downtown but there is nothing available for the kids to do; expressed that he is tired of subsidizing the infrastructure of other cities; informed that the City had previously passed on the opportunity to host the Montclair Plaza which eventually hurt the City because it impacted the two malls and caused Sears to move to Montclair; and stated his vote would rely heavily on how the constituents of District 1 felt towards the project.

Mayor Sandoval inquired and Deputy City Manager Pelser responded that the City could only use the RDA funds for infrastructure improvement projects which could include a parking structure; stated that the funds must be used in the manner described in the bond documents and that they could not be used for public safety, homelessness, or residential street improvement; informed that the City's money would not be used to fund the movie theater and that Mr. Esparza will be obtaining a traditional bank loan and seeking the New Market Tax Credit dollars; and stated that the City would not be assuming any risk and that the property is City property being sold at fair market value.

Mr. Esparza explained to the City Council the auditing that the federal government and multiple banking

institutions perform on his financial documents every year to ensure he is in compliance because his projects use Federal New Market Tax Credit funding; spoke of his reputable accomplishments and his track record in regards to his projects, organizations, and commitment to communities; stated he chose to bring his project to Pomona because he is committed to bringing quality, transformative developments to working class family communities that are primarily Latino; and stated he would be successful in Pomona because he would be filling a void.

Mayor Sandoval inquired and Deputy City Manager Pelser informed that there are two projects that are willing to come to Pomona if the movie theater project is approved.

Mayor Sandoval shared that the movie industry did not want to build in underprivileged areas; expressed belief that Mr. Esparza is reflecting the values and the culture that people want in Pomona; stated that he recognizes someone that is at the doorstep of Pomona wanting to build; and read into the record a letter submitted Mr. Richard Nichols who is in favor of the Maya Cinemas project.

Mayor Sandoval stated that the Council is committed to bringing good jobs to the City and there is no reason why the movie theater cannot create jobs for City residents, reiterating that the developer has agreed to give Pomona residents first opportunity; spoke on the residents' concern for the money being invested in the downtown area and explained that it would benefit the entire City and provide a place where people from all walks of life can come together; and expressed support for the project.

Councilmember Torres stated that he agrees with many of the statements made by Mayor Sandoval; informed that he frequents the Edwards theater in La Verne and the Harkins theater in Chino Hills; stated he felt conflicted with the project and issues of transparency; informed that regardless on the decision made, that the City Council is there for the betterment of the City; informed that, in speaking with the residents, he learned they were in favor of paved streets, lights, sidewalks, etc. rather than a theater; stated that he supports his colleagues on their ambition with the theater but feels there are other possibilities for the money; and expressed that although it is a tough decision, he is not in support of this project.

Councilmember Carrizosa stated Mr. Esparza is a great speaker and that she had been hesitant because some information was not presented but noted that Mr. Esparza clarified many of her questions when he spoke; commented that the zoning downtown needed to be changed to allow different types of businesses; expressed that she still had questions regarding how much revenue will be generated by the movie theater; informed she was interested in meeting with Mr. Esparza to discuss other issues people do not understand and that she also wanted to see a tangible economic benefit; stated that a lot of money has been spent downtown that has not produced what the rest of the community has been requesting; stated she was happy that there is an interest to bring the Latino community to downtown but stated that she needed more information on the project before making a decision.

Vice Mayor Robledo thanked Mayor Sandoval for reading Mr. Nichol's letter.

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 4-3, (COUNCILMEMBERS CARRIZOSA, ONTIVEROS-COLE and TORRES OPPOSED).**

**Aye:** 4 - Sandoval, Gonzalez, Robledo, and Escobar

**Nay:** 3 - Carrizosa, Ontiveros-Cole, and Torres

**MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY VICE MAYOR ROBLEDO, CARRIED 7-0 to extend the meeting at 12:11 a.m.**

- 12.** The City Council provided direction to Staff on the formation of a Groundwater Sustainability Agency with Walnut Valley Water District for the Spadra Groundwater Basin.

Water/Wastewater Director Poulsen gave a brief overview of them item and requested direction from the City Council.

**Vice Mayor Robledo left the dais at 12:17 a.m.**

Councilmember Escobar commended Water/Wastewater Director Poulsen on his work and knowledge.

Councilmember Carrizosa inquired and Water/Wastewater Director Poulsen informed that the Sustainable Groundwater Act was formed to inform the agencies that pump out of an underground basin that rules need to be in place in how the basin is managed and sustained to make sure the water is available when the need arises and that if the GSA is not formed, the State will step in and set the rules.

**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED 6-0, (VICE MAYOR ROBLED0 WAS ABSENT).**

**Aye:** 6 - Sandoval, Gonzalez, Carrizosa, Ontiveros-Cole, Escobar, and Torres

**Absent:** 1 - Robledo

- 13.** Adopt a Resolution Creating "Mission Boulevard Reconstruction", Project No. 428-2590-XXXXX-71046 or "Holt Avenue Reconstruction", Project No. 428-2590-XXXXX-71047 and Appropriating Excess RDA Bond Proceeds in the Amount of \$7,517,970

**RESOLUTION NO. 2017-**

A Resolution to Amend the FY16-17 Capital Improvement Program (CIP) Budget by Creating "Mission Boulevard Reconstruction," Project No. 428-2590-xxxxx-71046; and appropriate \$7,517,970 of Excess RDA Series "AI refunded by ax" Bond Proceeds to "Mission Boulevard Reconstruction," Project No. 428-2590-xxxxx-71046

**Vice Mayor Robledo returned to the dais at 12:20 A.M.**

Acting Public Works Director McWade gave a brief presentation on this item and informed that Staff needs the Council's direction on how to use the excess RDA funds.

Mayor Sandoval inquired and Acting Public Works Director McWade confirmed that due to the material being used to pave the streets and the weather, there would a delay in completing Garey Avenue but stated that the street paving would be completed once weather permitted.

Councilmember Carrizosa inquired and Acting Public Works Director McWade stressed the importance of focusing on major streets for improvement to correct blight and encourage economic growth and development.

Councilmember Carrizosa suggested that the City Council consider the segment designated as M4 on the map because of the condition of the area.

Vice Mayor Robledo thanked Acting Public Works Director McWade for the information provided and stated that she is aware that these projects do not happen overnight; thanked the residents for understanding that this is a long process; and agreed with Councilmember Carrizosa that M4 needs review and requested that segment H3 also be reviewed.

Councilmember Gonzalez stated he is interested in reviewing H1, M1, M4, and M3.

Acting Public Works Director McWade clarified that H1 is moving forward because it is funded separately by grants and informed that M4 could be accomplished because it would fall under street improvement.

Councilmember Escobar thanked Staff for the information; inquired and City Engineer Pilarz informed that section M2 is .5 mile, M3 .5 miles, H4 .5 mile, H3 is 1.5 miles, H2 is .8 mile, M4 is 1.7 miles, and M1 is .7 miles.

Councilmember Ontiveros-Cole inquired and Acting Public Works Director McWade informed that H4 covered Holt Avenue from Garey Avenue to Towne Avenue.

Councilmember Carrizosa requested support from the City Council to complete the portion of Olive Street to Palomares Avenue so that the street could be completed.

City Manager Lowry requested that City Engineer Pilarz inform the City Council of the time frame the City has to follow.

City Engineer Pilarz informed that there is a requirement to spend the money in a timely manner because it is HUD money which could be revoked from the City and informed that the City could be risking from \$150,000 to \$200,000.

Vice Mayor Robledo proposed moving this item to the next meeting on February 27, 2017 in order to allow the new Councilmembers time to educate themselves on this topic and requested that they meet with Staff in a timely manner in order to take a vote at the next meeting.

Councilmember Ontiveros-Cole stated she would like more time to review the information.

Mike Suarez, Pomona, was not present to speak.

Arturo Jimenez, Pomona, stated that he has pushed to clean up the corridors; suggested that the City Council evaluate from where people are coming into Pomona; and suggested reviewing the Mission Corridor because that is where the majority of people are coming into the City.

Larry Egan, Downtown Pomona Owners' Association, expressed concern that the lengths in each section are spotty and that the money can be put back into the parking structure to get 480 more parking spaces to provide parking for the north side of First Street which would bring in more development.

**This Item was continued to the regular meeting on February 27, 2017.**

## **PUBLIC HEARING**

14. The City Council conducted a Public Hearing and adopted the attached Resolution amending the Consolidated Plan, the Fiscal Year (FY) 2016-17 Annual Action Plan, the FY 2016-17 City Operating Budget, and the FY 2016-17 Capital Improvement Program (CIP) Budget by decreasing and/or increasing revenue estimates and appropriating \$62,260 in Community Development Block Grant (CDBG) Funds, \$432 in CDBG Program Income Funds, \$4,841 in Home Investment Partnership Act (HOME) Funds, \$40,946 in HOME Program Income Funds, \$18,573 in Emergency Solutions Grant (ESG) Funds, and \$84,897 in Neighborhood Stabilization Program (NSP) Funds.

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RESOLUTION NO. 2017-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CONSOLIDATED PLAN, THE FISCAL YEAR (FY) 2016-17 ANNUAL ACTION PLAN, THE FY 2016-17 CITY OPERATING BUDGET, AND THE FY 2016-17 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY DECREASING AND/OR INCREASING REVENUE ESTIMATES AND APPROPRIATING \$62,260 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, \$432 IN CDBG PROGRAM INCOME FUNDS, \$4,841 IN HOME INVESTMENT PARTNERSHIP ACT (HOME) FUNDS, \$40,946 IN HOME PROGRAM INCOME FUNDS, \$18,573 IN EMERGENCY SOLUTIONS GRANT (ESG) FUNDS, AND \$84,897 IN NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDS

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR to open the Public Hearing.**

**MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR to close the Public Hearing.**

**MOTION BY COUNCILMEMBER ESCOBAR, SECONDY BY VICE MAYOR ROBLEDO, CARRIED 7-0.**

**Aye:** 7 - Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Torres

### **MATTERS INITIATED BY CITY COUNCILMEMBERS**

Councilmember Escobar inquired and City Attorney Alvarez-Glasman informed that the next City Council meeting will be on February 13, 2017.

Councilmember Torres thanked the Mayor and Councilmembers for honoring the request made today to hold a Study Session to discuss the F-Zone.

Councilmember Escobar requested that the Public Works Department ensure the sprinklers throughout the City are turned off due to the rain.

Mayor Sandoval invited the audience to have coffee with Police Chief Capraro, Councilmember Torres, and himself at the Starbucks on Foothill Boulevard on February 9, 2017.

Councilmember Gonzalez announced the neighborhood beautification day organized by Day One on February 18, 2017 around Kennedy Park.

Mayor Sandoval advised that more information would be released regarding the district clean-up on February 18, 2017.

City Attorney Alvarez-Glasman suggested resuming closed session prior to the study session on February 13, 2017 and the City Council conceded.

### **ADJOURNMENT**

The meeting was adjourned at 1:03 A.M.

The City Council adjourned to a Study Session on Monday, February 13, 2017 in the City Council Chambers, 505 S. Garey Avenue, Pomona, California. Closed Session items will be discussed at 5:30 p.m. The Open Session will commence at 6:45 p.m.

Respectfully submitted,

ATTEST:

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EVA M. BUICE, MMC  
City Clerk/Secretary of the Pomona  
Housing Authority

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TIM SANDOVAL  
Mayor/Chair of the Pomona  
Housing Authority