



# City of Pomona

505 S. Garey Ave  
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**  
**Vice Mayor 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.*

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Monday, June 5, 2017

7:00 PM

Council Chambers

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**5:30 P.M.**

### **CLOSED SESSIONS**

#### **Public Comment:**

##### **A. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**

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

Samuel Johnson v. City of Pomona  
Tessier v. City of Pomona  
Peace Leaf Incorporated v. City of Pomona, et al.  
Tommy Singleton and North Towne Christian Church v. City of Pomona, et al.  
City of Pomona v. Pomona Auto Lodge  
Citizens for Amending Prop L, et al. v. City of Pomona  
Ignacio Aguilar IV, et al. v. City of Pomona, et al.

##### **B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION** (Pursuant to Government Code Section 54956.9 (d)(4))

Three matters regarding possible litigation to be initiated will be discussed

##### **C. 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

**D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(Pursuant to Government Code Section 54956.8)

Property: 2501 N. Garey Avenue

Negotiating Parties: Landmark West Enterprises, LLC; RKR Investors Real Estate Fund, LLC

Successor Agency's

City's Negotiator: Linda Lowry, City Manager

Under Negotiation: Price and Terms

Property: 460 E. Fourth Street

Negotiating Party: Dennis Perez and Elena Carrillo

Housing Authority's

Negotiator: Linda Lowry, Executive Director

Under Negotiation: Price and Terms

1420 S. Garey Avenue

Victor Caseres

Linda Lowry, City Manager

Terms of Lease

## **CITY ATTORNEY REPORT ON CLOSED SESSION DISCUSSIONS**

Assistant City Attorney Jared stated that the City Council convened into Closed Session at 5:40p.m. and that the items listed on the agenda had been announced prior to recessing into Closed Session and reported the following:

**Councilmember Torres arrived at 5:50 PM.**

**Councilmember Robledo arrived at 6:15 PM.**

Item A-1: An update was provided, direction was provided, there was no final action taken, and nothing further to report.

Item A-2: This item was discussed, an update was provided, direction was provided, there was no final action taken, and nothing further to report.

Item A-6: This item was discussed, direction was not provided and this item will be discussed when the City Council reconvenes into Closed Session, and there was no final action taken.

Item A-7: This item was discussed, direction was provided, there was no further, and nothing further to discuss.

All others items were not discussed and will be discussed when the City Council reconvenes into Closed Session or at the June 12, 2017 Closed Session meeting.

**The City Council recessed from Closed Session at 6:55 p.m.**

**7:00 P.M.**

**CALL TO ORDER**

The City Council meeting was called to order at 7:01 PM.

**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  
Andrew Jared, Assistant City Attorney  
Eva M. Buice, City Clerk  
Genoveva Rocha, Deputy City Clerk

**PLEDGE OF ALLEGIANCE**

Councilmember Carrizosa led the Pledge of Allegiance to the Flag.

**MAYOR/COUNCILMEMBER COMMUNICATIONS**

Vice Mayor Escobar provided an update regarding the Phillips Ranch Special Assessment meeting taking place, Wednesday, June 7, 2017 at Decker Elementary at 7:00 PM. She stated this meeting will provide information to the residents on how the money is allotted and allocated.

Councilmember Ontiveros-Cole informed that she was invited to attend the Fremont Junior High graduation; she also attended Garey High School's graduation; she stated she visited La Casita Teen Center where they honored people that had been involved with this center; lastly, she informed she had attended the Palomares Junior Orchestra at the Palomares Community Center.

Councilmember Gonzalez informed that he had attended the Palomares Youth Orchestra and that he will continue to support the youth orchestra.

Councilmember Torres spoke about the neighborhood watch in District 6 which the neighborhood has reported a decrease in crimes; he informed that he attended the Pomona High School graduation and the Palomares Youth Orchestra event at Palomares Park. Councilmember Torres thanked Councilmember Carrizosa for helping to establish the event.

Councilmember Carrizosa expressed that the end of May and June, along with Christmas are the happiest times of the year for her. She informed that she has witnessed many families enjoying the graduations which are a result of the many years of sacrifices from the children and parents; she stated she was pleased and honored to be invited to the many celebrations. Councilmember Carrizosa also spoke on the Confirmation celebration she attended at one of the local churches.

Mayor Sandoval spoke on the Miss Pomona pageant and thanked the DPOA and the organizers of the event for the time and work they put into the event; he also thanked the Pomona Unified School District for their work in organizing the school graduations; he thanked Staff, community members, and Councilmember Carrizosa for their work with the Youth Orchestra.

Mayor Sandoval also announced the appointment of members to the Council Committee for Public Art, he stated that he and Councilmember Carrizosa were interested in participating and inquired if any other councilmembers would be interested.

Councilmember Robledo advised that she would like to be a part of the committee.

Mayor Sandoval requested that it be noted in the record that he, along with Councilmembers Carrizosa and Robledo would be serving on the Council Committee for Public Art.

### **CITY MANAGER COMMUNICATIONS**

City Manager Lowry invited Information Technology, (IT), Director John DePolis and GIS Specialist Patrick Ward to give a presentation on the GIS maps that are available on the City's website.

IT Director DePolis and GIS Specialist Patrick Ward informed the City Council and residents of the applications that are available on the City's website. They also informed that they have been collaborating with Public Works, Housing, Code Enforcement, and the Police Department to gather information on homeless encampments throughout the City and incorporate that information on a GIS map.

Mayor Sandoval thanked Staff for the presentation; he also informed that he would like the information presented to be condensed into a two page mailer and included in the water bill statement so that the community is aware these services are available; he also requested that scenic pictures of Pomona be added to the homepage on the City's website.

IT Director DePolis informed that changes to the City's website would be coming in the next few months.

Councilmember Gonzalez agreed that there needed to be more exposure for the services available on the City's website and thanked Staff for their presentation.

**PUBLIC PARTICIPATION**

Douglas C. Pierce, Pomona, spoke on his former property in Pomona and the legal issues that surrounded the property in the past.

Tim Watkins, San Bernardino County Transportation Authority, invited the City Council and residents to a community meeting taking place on Thursday, June 15, 2017 in Pomona at Purpose Church from 3:00 p.m. to 7:00 p.m., regarding the West Valley Connector project.

Barbara Rugeley, League of Women Voters, introduced Jennifer Stark the new observer for the Pomona City Council, and explained that the league observer's core responsibility is making sure citizens are aware of decisions that will impact their lives, promote government transparency and accountability.

Carolyn Hemming, DPOA, Introduced the Miss Pomona Court to the City Council: Yazmin Torres is Miss Pomona 2017; Marleni Munguia and Melanie Alva are the Princesses for the 2017 court.

Mayor Sandoval commented that he would like to see military and students being honored on the posts along Garey Avenue; he also requested a photo of the Miss Pomona Court with the City Council.

M. Joyce Bakersmith, Pomona Optimist Club, extended an invitation to a dinner honoring public safety officers Detective Eric Berger, Detective Greg Freeman, and Fire Fighter Ruben Sanchez. She stated all three gentlemen have participated in making a difference in the community. She informed the dinner would take place Thursday, June 8, 2017 at O'Donovan's. She also spoke on the Juneteenth potluck celebration taking place at the Willie White Park and Community Center.

Mayor Sandoval thanked Ms. Bakersmith for all her efforts in making Pomona a better city.

Randy Bekendam, Amy's Farm, spoke on food deserts and gave a brief explanation to the council and informed that he had provided a handout on the topic.

Erica Frausto, Pomona Chamber of Commerce, extended an invitation to everyone to attend the Annual Chamber Awards and installation event; she also informed that they would be honoring the City with the Image award; she also spoke on the Pomona's visitor's guide that was now available.

Marvin Harris Thompson III, Brand Urself, spoke on his family's history in Pomona; he also spoke on his non-profit organization Brand Urself and the Brother to Brother program that launched May 13, 2017; he expressed that he was bringing awareness to his organization in hopes that the City Council would support it in the future.

Irene Hanson, Pomona, spoke about her fire damaged building in downtown Pomona and the issue with her building permit; she requested that the Council provide assistance and help her work through the problems she has been encountering with the Planning Department.

Mayor Sandoval requested that Development Services Director Mark Lazzaretto speak with Ms. Hanson and provide direction.

John Mendoza, Pomona, commented that he would like to see the City integrate Spanish into the City's website; he also spoke on the commented on the proposed modifications to Lincoln Park and informed that the park has had changes throughout the years and that the streets are not the original streets.

### **CONSENT CALENDAR**

Mayor Sandoval inquired and Assistant City Attorney Andrew Jared informed that it was up to the Council how they wished to proceed with Item No. 8. If Council felt they did not have sufficient time to read the document provided related to Item No. 8 they could discuss it later.

Mayor Sandoval inquired if the Senate Bill was time sensitive and City Manager Lowry informed that Staff could place the item on the agenda for Council to consider on Monday as an action item.

Mayor Sandoval expressed that when items are placed on the agenda last minute it can cause a delay in the Consent Calendar and feels that there was ample time to get the information to the City Council.

Councilmember Gonzalez stated he was in agreement with City Manager Lowry to place Item No. 8 on the agenda for Monday's Special Meeting.

Councilmember Robledo stated she had a comment on Item No. 9 and advised City Clerk Eva Buice that should Council choose to accept the July 10, 2017, meeting she would have to participate via tele-conference.

Mayor Sandoval requested that City Clerk Eva Buice read Item No. 9 so that the public would be aware of the proposed changed.

City Clerk Eva Buice read the title to Item No. 9 where it explained the rescheduling of the July 3, 2017 City Council meeting to July 10, 2017 due to the proximity of the Fourth of July holiday.

### **Approval of the Consent Agenda**

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0 to approve the Consent Calendar and Continue Item No. 8 to the June 12, 2017 City Council meeting.**

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

1. The City Council adopted a Resolution Amending the Fiscal Year 2016-17 Capital Improvement Program (CIP) Budget and Award a Construction Contract in the Amount of \$246,778 to Metrocell Construction, Inc. for "Pedestrian Access Ramp Removal and Wall Replacement - Norval Street," Project No. 428-2590-XXXXX-67917 and "Plaza Park Improvements," Project No. 418-2590-XXXXX-70895

### **RESOLUTION NO. 2017 – 68**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY UNAPPROPRIATING \$96,000 FROM "MAJOR STREET REHABILITATION - CITYWIDE (FY 13-14 TO FY 15-16), PROJECT NO. 428-2590-XXXXX-68548; APPROPRIATING \$47,000 TO "PEDESTRIAN ACCESS RAMP

REMOVAL AND WALL REPLACEMENT - NORVAL STREET", PROJECT NO. 428-2590-XXXXX-67917; AND APPROPRIATING \$49,000 TO "PLAZA PARK IMPROVEMENTS," PROJECT NO. 418-2590-XXXXX-70865

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

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

2. The City Council adopted a Resolution Amending the FY 2016-17 Capital Improvement Program (CIP) Budget by Creating a New CIP Project, "Street and Alley Rehabilitation Improvements - District 3," Project No. 428-2590-XXXXX-71051 and Reappropriating Excess RDA Bond Proceeds in the Amount of \$2,240,285

RESOLUTION NO. 2017-69

A RESOLUTION OF THE CITY COUNCIL OF POMONA, CALIFORNIA, AMENDING THE FY 2016-17 CAPITAL IMPROVEMENT PROGRAM BY CREATING "STREET AND ALLEY REHABILITATION IMPROVEMENTS-DISTRICT 3," PROJECT NO. 428-2590-XXXXX-71051 AND AMENDING THE 2016/17 APPROPRIATIONS BY REAPPROPRIATING DISTRICT 3 SERIES "AX" BOND PROCEEDS IN THE AMOUNT OF \$2,240,285 FROM "EXCESS RDA BOND PROCEEDS ALLOCATION," PROJECT NO. 428-2590-XXXXX-71041 TO NEWLY CREATED PROJECT

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

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

3. The City Council adopted a Resolution Approving a Lot Merger LM 2-2017 of Lots 1 and 2 in Block 68 of Pomona, Recorded in Book 3, Pages 90 and 91 of Miscellaneous Records, County of Los Angeles, Assessor Parcel Numbers 8335-012-900 and -901, Located at 252 and 286 E. Fourth Street, Pomona, CA - Pomona Housing Authority Multi-Residential Apartment Building (Council District 2)

RESOLUTION NO. 2017-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM 2-2017 OF LOTS 1 AND 2 IN BLOCK 68 OF POMONA, RECORDED IN BOOK 3, PAGES 90 AND 91 OF MISCELLANEOUS RECORDS, COUNTY OF LOS ANGELES, ASSESSOR PARCEL NUMBERS 8335-012-900 AND -901, LOCATED AT 252 AND 286 E. FOURTH STREET, POMONA, CA

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

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

4. The City Council adopted a Resolution Approving Tract Map TM 73183 for the Property Located at 2-16 Village Loop Road, Pomona, CA, Consolidating 23 Existing Commercial Lots into 124 Single-Family Residential Lots, Two Commercial Lots, 41 Lettered Lots, and 21 Street Lots for the Pinewood at Phillips Ranch Project (Council District 5)

RESOLUTION NO. 2017 -71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TRACT MAP TM 73183 FOR THE PROPERTY LOCATED AT 2-16 VILLAGE LOOP ROAD

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

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

5. The City Council adopted a Resolution Appropriating \$126,000 in Low-Moderate Income Housing Fund Revenues for Continued Operation of the Transitional Storage Center from July 1, 2017 through June 30, 2018; and Amending the Contract with Volunteers of America Los Angeles for an Amount Not to Exceed \$63,000 to Extend Operation of the Transitional Storage Center through December 31, 2017

RESOLUTION NO. 2017-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE 2017-18 OPERATING BUDGET BY APPROPRIATING \$126,000 IN LOW-MODERATE INCOME HOUSING FUND REVENUES FOR CONTINUED OPERATION OF THE TRANSITIONAL STORAGE CENTER (TSC) FROM JULY 1, 2017 THROUGH JUNE 30, 2018

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

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

6. The City Council approved the Award of a Bid to Inland Kenworth, Inc. for the Purchase of Heavy Duty Truck Engine Parts

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

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

7. The City Council adopted at Second Reading an Ordinance Amending Sections 50-339 and 50-345 of the Pomona City Code Pertaining to Business License Application Processing Fees and Section 2-924 to Update the Index of City Fees and Service Charges

ORDINANCE NO. 4233



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING 50-337(b) AND 50-345 OF THE POMONA CITY CODE PERTAINING TO APPLICATION PROCESSING FEES FOR NEW BUSINESS LICENSE APPLICATIONS AND BUSINESS LICENSE RENEWALS AND UPDATING THE INDEX OF CITY FEES AND SERVICE CHARGES SET FORTH IN POMONA CITY CODE SECTION 2-924(a)

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

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

8. Legislative Advocacy Opposition of Senate Bill 649 - Wireless and Small Cell Telecommunications Facilities Streamlining

**A motion was made that this Consent Calendar be continued. The motion carried by the following vote:**

9. The City Council adopted a Resolution Canceling the July 3, 2017 City Council Meeting Due to the Proximity of the 4th of July Holiday and Rescheduling the Meeting to Monday, July 10, 2017 to Be Conducted as a "Regular" Meeting of the City Council

RESOLUTION NO. 2017-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING CANCELLATION AND RESCHEDULING OF THE JULY 3, 2017 CITY COUNCIL MEETING AND ESTABLISHING THE RESCHEDULED MEETING AS A "REGULAR" MEETING OF THE CITY COUNCIL

**Mayor Sandoval requested and City Clerk Eva M. Buice read Item No. 9 to make the community aware of the date changes to the City Council meetings.**

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

10. The City Council adopted a Resolution Amending the 2016/2017 Capital Improvement Program (CIP) Budget by Appropriating: \$7,100 of Available Series "BB/BD" Sewer Bond Proceeds, \$359,289 of Available Series "BA" Sewer Bond Proceeds, and \$3,250,000 of Available Sewer Fund Balance, to "Sewer Pipeline Replacement - Citywide (Phase IV)," Project No. 586-2565-XXXXX-86022; and Award a Construction Contract to MNR Construction, Inc., in the amount of \$3,765,800

RESOLUTION NO. 2017 -74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE 2016-17 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$7,100 OF AVAILABLE SERIES "BB/BD" SEWER BOND PROCEEDS, \$359,289 OF AVAILABLE SERIES "BA" SEWER BOND PROCEEDS, AND \$3,250,000 OF AVAILABLE SEWER FUND BALANCE, TO "SEWER PIPELINE REPLACEMENT - CITYWIDE (PHASE IV)," PROJECT NO. 586-2565-XXXXX-86022

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

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

**ITEM PULLED FOR DISCUSSION****8. Legislative Advocacy Opposition of Senate Bill 649 - Wireless and Small Cell Telecommunications Facilities Streamlining**

Councilmember Gonzalez inquired why Mayor Sandoval and Councilmember Carrizosa opposed moving the item to a future meeting and asked if they wanted to vote on the item at tonight's council meeting.

Mayor Sandoval informed that they wanted to accept the decision that was made due to the time sensitivity of the Senate Bill.

Councilmember Robledo clarified it was her understanding that the Mayor wanted additional time to review Item No. 8.

Mayor Sandoval informed that it was a learning process and that when items are submitted last minute to the council it can become difficult to make it part of the evaluation.

City Manager Lowry informed that this item could be presented as an action item on the June 12, 2017 meeting.

**MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY VICE MAYOR ESCOBAR, CARRIED 5-2 (Mayor Sandoval and Councilmember Carrizosa opposed), to continue Item No. 8 to the June 12, 2017, Special City Council meeting.**

**Aye:** 5 - Gonzalez, Robledo, Ontiveros-Cole, Escobar, and Torres

**Nay:** 2 - Sandoval and Carrizosa

**DISCUSSION CALENDAR****11. The City Council approved findings of Public Benefit to the Community at Large for Recommended Expenditures and Recap of Approved Funds****CURRENT REQUESTS:**

A) Amount to be determined to purchase new furniture for Renacimiento Community Center - Amount requested: TBD

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

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

**PUBLIC HEARINGS**

City Clerk Eva Buice made an announcement that two speaker cards had been submitted for Item No. 14 by Irving Ross and Antonio Williams but neither had selected whether they supported or opposed the item and she requested that they come forward to provide clarification.

**12. Introduction and First Reading of an Ordinance Adopting a Code Amendment (Code 6899-2017) related to Waste and Recycling Facilities to Amend Section .062**

("Definitions"), Section .580 J (Uses Requiring CUP), Section .342 (C-1 Zone Uses Expressly Prohibited), Section .352 (C-2 Zone Uses Expressly Prohibited), Section .362 (C-3 Zone Uses Expressly Prohibited), Section .367 (C-C Zone Uses Expressly Prohibited), Section .372 (C-4 Zone Uses Expressly Prohibited), Section .392 (C-IND Zone Uses Expressly Prohibited), Section .398 (M-Zone Uses Expressly Prohibited), Section .412 (M-1 Zone uses Expressly Prohibited, and Section .422 (M-2 Zone Uses Expressly Prohibited) of the Pomona Zoning Code to Prohibited New Waste and Recycling Uses as Allowed Uses Throughout the City, with the Exception of Convenience Recycling Uses as Allowed Uses throughout the City, and Recycling Manufacturers in M-1 and M-2 Zones and Rescind Determination of Similarity (DOS 99-008) Allowing Trash Transfer Facilities with a CUP, and Rescind Article VI, Division 8 of the Pomona City Code Pertaining to Medical Waste Facilities

#### ORDINANCE NO. 2017 -4234

AN ORDINANCE OF THE CITY OF POMONA CITY COUNCIL APPROVING CODE AMENDMENT (CODE 6899-2017) TO AMEND SECTION .062 ("DEFINITIONS"), SECTION .580 J ("USES REQUIRING CUP"), SECTION .342 (C-1 ZONE USES EXPRESSLY PROHIBITED), SECTION .352 (C-2 ZONE USES EXPRESSLY PROHIBITED), SECTION .362 (C-3 ZONE USES EXPRESSLY PROHIBITED), 367 (C-C ZONE USES EXPRESSLY PROHIBITED), SECTION .372 (C-4 ZONE USES EXPRESSLY PROHIBITED), SECTION .391 (C-IND ZONE USES EXPRESSLY PROHIBITED), SECTION .398 (M-ZONE USES EXPRESSLY PROHIBITED), SECTION .412 (M-1 ZONE USES EXPRESSLY PROHIBITED, AND SECTION .422 (M-2 ZONE USES EXPRESSLY PROHIBITED) OF THE POMONA ZONING CODE, AND TO RESCIND DETERMINATION OF SIMILARITY (DOS 99-008) ALLOWING TRASH TRANSFER FACILITIES WITH A CONDITIONAL USE PERMIT, AND RESCIND ARTICLE VI, DIVISION 8 OF THE POMONA CITY CODE PERTAINING TO MEDICAL WASTE FACILITIES

Prior to providing a presentation to the City Council Development Services Manager Brad Johnson clarified some changes on the draft Ordinance and stated there had been an error not to include waste transfer stations and medical waste facilities as prohibited in the zoning districts mentioned by the City Clerk; he also informed that on the Planning Commission Resolution the vote should reflect 5-0-0-2, which was five in favor and two abstentions and that it would be corrected.

Development Services Manager Brad Johnson provided a brief presentation on this item.

Councilmember Carrizosa inquired what the process would be for someone that was interested in opening a convenience recycling center and Development Services Manager Brad Johnson informed that they would have to apply for a Conditional Use Permit and it would have to go through the Planning Commission.

Assistant City Attorney Jared stated that Development Services Manager Brad Johnson made reference to some legal arguments that needed to be clarified. He commented on two letters received, one from RSRI on May 13, 2017 where they stated that there is an impact and recommended that the issues on the community be regulated in another way but did not indicate on how it should be done. The second letter was received from BizFed at Los Angeles County Business Federation where they state that the City is capriciously prohibiting recycling. Assistant

City Attorney Andrew Jared expressed that he found the process anything but capricious and felt it was a lengthy public process and that the City had been steadfast in their position for over two years. He also informed that the previous Friday he had a discussion with various members of SA Recycling; noted they also submitted a letter from the law firm of Jackson Titus wherein they cited a number of cases, which he agreed were valid cases, but off the point of what is being achieved through the process. He informed that their concern seemed to be with future operations and if the City would be looking to shut down their business in the future. There was concern on Section 554c of the Pomona Zoning Ordinance which described the nonconforming use of land and he explained that it was his office's opinion that it was an older way of looking at nonconforming use of land and it was not intended when creating the ordinance. He further explained that the Ad-Hoc committee had recommended to phase out various uses and their concern then was that in doing so they would be takings or inverse condemnations and would require an amortization period set up and require public hearings on each one of the properties being affected to establish what the property term of years and compensation would be for each one. Both zoning codes mentioned in the letters deal with the idea of having a nonconforming use and then seeking a cessation after a period of time and it has been his understanding that the revision to the ordinance has been proposed. The ordinance before council is only perspective in nature, but the businesses that are operating with a CUP or those that have been grandfathered in before a CUP was required would remain operational and the City would not be looking to shut them down by virtue of the Section 554c process. Assistant City Attorney Andrew Jared stated he wanted to clarify this for the record before any speakers addressed these issues so that there were not any fears that were unfounded.

**MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, to open the Public Hearing.**

City Clerk Eva M. Buice reminded the City Council of the seven letters received after the posting of the agenda that were currently located in the public inspection binder and they would be uploaded to the City's website tomorrow for review.

City Clerk Eva M Buice read into the record the names of those that either opposed or supported the Ordinance but did not wish to speak:

<b>Support</b>	<b>Opposed</b>
David Holmes	Daisy Sandoval
David W. Billman	Felipe Galvan
Jenna C. Hoover	Pedro Vargas
Hank Mollet	Rick Ramirez
Robert C. Benza	Helidoro Viramontes
George T. Reed	Christian E. Garcia
Carol S. Wiley	Manuel Gomez
Christine L. Wiley	Ramon Montemayor
Mike Fronk	
Donna M. Paulson	
Luis Juarez	
Mike M. Suarez	
Debra L. Mendez	
Evelia Rocha	

Ron Cobas, Clean & Green, urged the Council to approve the ordinance due to a severe health crisis in the City and dangerous air quality; he also spoke about health diseases related to air pollution.

Michael James Bowerman, Clean & Green, stated that he supported the ban on recycling facilities coming into Pomona; he spoke on a fire at a Pomona recycling center and stated this was not an isolated incident.

Adam Donner, Pastor of Pomona Presbyterian Church, stated that the people of Pomona were ready for a ban on new waste and recycling facilities and a ban on the extension of current facilities; he also spoke on violations at the facilities.

Julie Roberts Fronk, Pomona, presented a timeline of the waste and recycling action and spoke on the timeline and implored the Council to fix the issues surrounding the waste and recycling facilities.

Alan Brian Fenstermacher, attorney representing Grand Central Recycling, stated he submitted a letter that had been attached to previous correspondence to the Planning Commission, spoke on legal non-conforming use, and stated they do not object to banning new uses but that the text of the ordinance did not state that and it was important to include that text in the Ordinance.

Assistant City Attorney Jared inquired on the referenced one-sentence amendment to the code, and Mr. Fenstermacher informed they had submitted a letter today that states nothing in the ordinance impacts existing scrap metal or transfer station uses already permitted in the City.

Margaret Velarde, a leader of ICON and Clean & Green, stated she was concerned about the health and welfare of Pomona; she informed that she knew people that were personally affected by the pollutants from these facilities and requested the Council support the ban.

Paul Deibel, Diamond Bar and member of ICON, stated that he supported the ban; spoke on the concentration of recycling businesses in Pomona and that Pomona has done its fair share in meeting regional needs.

Elinor Crescenzi, Pomona, stated that the solution was problematic because it was not holistic and does not put forward a law that promotes a community and ecologically oriented zero waste solution; she spoke about doing waste management in an ethical, responsible way, and not push the problems onto other communities.

Lara L. Larramendi, Biz Fed, spoke on matters of concern in the language of the ordinance regarding nonconforming use and how it hinders a business from trying to get financing to better their operations.

Ron Vandermolen, Pomona, stated he supported the ban and spoke on the future of the recycling future; he also spoke about adding code enforcement officers regulate the facilities and to work with the current facilities to help them clean up their properties.

Nora Garcia, Clean & Green, stated that she supported the ban and requested that it be passed as the Planning Commission recommended; she also spoke on the adverse impacts in the community.

Lynn Fang, United Voices of Pomona, stated that the ban as it was written was short-sighted and does address the source of the problem; she informed that United Voices of Pomona had submitted a proposed ordinance for zero waste.

Jeff Farano, general counsel for SA Recycling, spoke on the letter submitted and spoke on the non-conforming use language; he also spoke on additional enforcement inspections and stated they were in support.

Ingrid Gutierrez, United Voices, stated they opposed the current ordinance and that it is completely different from what was originally proposed; she stated they were working to propose a more holistic approach to the issue and suggested amendments to the ordinance.

Mike Brinhall, General Manager of SA Recycling, stated they had been operating in Pomona for more than thirty years, he stated that recycling efforts keep unwanted items out of landfills and that the majority of the material purchased comes from the residents of Pomona; he also informed that they perform business on an ethical level.

John G. Nolte, Pomona, stated that S.A. and Grand Central are big companies and can afford lawyers, but smaller businesses will benefit from their requests; he expressed it was important that the ordinance be passed in a strong fashion; he also stated he did not feel it was necessary to amend the language and weaken the ban.

Lee E. Moonan, United Voices of Pomona, finished reading the resolution proposed by United Voices of Pomona.

Linda Hinojos, United Voices of Pomona, stated she disagreed that the issue began in 2011, she expressed that the City had an opportunity to take a stand; she commented that there was a need for new regulations and that the ban was a great first step in implementing rules.

Amos Young, Pomona, stated it was important to make decisions that are sound, appropriate and leave a solution, he questioned whether the proposed ordinance was what community members and members of the task force initially sought; he expressed that the proposed ordinance would not solve the issue and that he supported both amendments called to question because they would ensure proper enforcements and would include other community-minded recycling opportunities.

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

City Clerk Eva M. Buice informed that Mr. Jerome Sutherland submitted two speaker cards but only wished to speak on Item No. 14.

Assistant City Attorney Andrew Jared stated that he wished to clarify the comments he made regarding condemnation and stated that there was no intent by his words to condemn any property. He expressed that he was mentioning the process of taking is an expensive option and that he did not agree with Mr. Farano's comments that the sections in the zoning code give the

City an absolute right to take anyone's property as non-conforming. He informed that his review of the sections is that they are antiquated. He stated he did not recommend to proceed with any closing of business for non-conformance and that the zoning codes needed to be updated to be current with California case law or federal case law.

Vice Mayor Escobar thanked everyone that came out to speak; she thanked those on the task force, community outreach, and the businesses owners present. Vice Mayor Escobar inquired if it was not in the City's intention to place businesses in a non-conforming manner then why was the language included in the proposed ordinance.

Assistant City Attorney Jared informed that the zoning codes that mention non-conforming uses because there was a time in California that this was how to deal with non-conforming uses; he informed that their office was not asked to modify those sections and was not part of the discussion that came out of the task force; he informed that there was a process underway of doing a comprehensive review of the zoning ordinance in its entirety, which has been discussed for about ten years but gotten off the ground in the last two years. He expressed that he is positive these sections have drastic amendments to them, and if the City tried to enforce these sections, it would not prevail.

Vice Mayor Escobar stated she is supportive of the ban but would like to make an amendment. She expressed that the State of California is one of the leading states in being clean and reducing carbon footprint; she said she would like to move forward with a plan as Ms. Crescenzi had mentioned; she was in favor of not pushing this issue into other communities and would like to regulate the issue accordingly she mentioned that Pomona was the 2nd largest city in the county and one of the cities that can tremendously affect what happens in the county. She stated that she would like to propose an amendment to the ordinance.

Vice Mayor Escobar motioned to include the two amendments that were proposed by both entities, which included the language to exclude current businesses from the non-conforming and add the compositing.

Councilmember Robledo clarified Vice Mayor Escobar's motion.

Vice Mayor Escobar stated she would like to add to her motion a cost recovery and increase to code enforcement; have more businesses be accountable, and have more inspections.

Councilmember Robledo stated she could support the motion but that she had some concerns regarding the pallet companies; she inquired if additional time would be needed to review the cost recovery amendment.

Assistant City Attorney Andrew Jared informed that Vice Mayor Escobar had a motion and a second to her motion and now an amendment motion for the cost recovery;

Mayor Sandoval inquired, and Assistant City Attorney Andrew Jared informed that the items were not mutually exclusive if the motion meant to approve the ban with the amendment on the two other statements and direct Staff to bring back a cost recovery item that is something that Staff can work on.

**MOTION BY VICE MAYOR ESCOBAR, to approve the ban but make an amendment that “the code amendment shall not apply to any metal recycling facility, transfer station, or any other facility legally operating pursuant to a conditional use permit, or any other permits or agreements in effect on the date this code amendment becomes effective. Those facilities shall not be deemed as nonconforming use as a result of this code amendment, and shall be allowed to continue to operate in accordance with applicable laws and permits.” Direction was provided to Staff to include composting information.**

Councilmember Robledo said she would second the motion but needed further discussion about the composting verbiage.

Assistant City Attorney Andrew Jared stated he was not clear as to what they would do with the composting aspect of the language and stated that the comprehensive component of the code would be to look at urban farming issues.

Vice Mayor Escobar requested to withdraw the language from her motion regarding the composting and keep the verbiage that Mr. Farano had suggested.

**MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO, to approve the ban but make an amendment that “the code amendment shall not apply to any metal recycling facility, transfer station, or any other facility legally operating pursuant to a conditional use permit, or any other permits or agreements in effect on the date this code amendment becomes effective. Those facilities shall not be deemed as nonconforming use as a result of this code amendment, and shall be allowed to continue to operate in accordance with applicable laws and permits.”**

Councilmember Carrizosa commented that fifteen individuals had been appointed to study, read, discuss, and work with the City Attorney; she commented that they put in enormous amounts of work and that they have been fighting waste transfer stations since the 1990's. She noted that the people of Pomona did not want the transfer stations in the community. She commented that they should not cower to political contributions. Councilmember Carrizosa stated that by passing the ban, they were going to send a message that Pomona is changing and they are not going to accept things as they were accepted in the past. She stated that if the ban were approved the companies would still be making money while the community breathes in the pollution; she would not support the motion and urged the Council to support the efforts of the citizens of Pomona and that she would support the recommendation by Staff as recommended.

Councilmember Robledo stated that in no way ever are decisions being made to insult any of the residents or the time and efforts that have been made. She commented that she would hope that the residents that are here understand the decisions she makes are solely her own. She added that her contributions could be reviewed to see who has supported her but that the decisions have nothing to do with the prior decisions made. She noted that the intent was not to add additional businesses and that she did not want to set up the current businesses for failure and that was what they were trying to accomplish with the amendments made. She expressed that shortly they are going to have to address the composting or urban gardening.

Councilmember Ontiveros-Cole expressed that this topic has been on her mind a long time and stated that there had been a drastic change from when she grew up in the City. She stated that she respected the businessmen and is aware of the struggles, but she needs to see what the



Community needs and what is needed to create a safe environment that will keep families safe. She commended Councilmember Carrizosa for standing up for her constituents. She expressed that her constituents voted for her, they are relying on her and expecting her to do the right thing and urged the Council to do the right thing.

Councilmember Gonzalez stated he understood that some of the Council is business federation endorsed so that they are supposed to be business friendly. He stated he supports the concept of recycling and thinks there needs to be a differentiation between waste, recycling, and pallets. He expressed that he saw the point regarding non-conforming and conforming use, and that those that were abiding he did not have any complaints against them. He commented that he did not see fit to propose an amendment on the ban when the City's Mayor was on the task force. City staff supports the ban as written; the Planning Commission, Councilmember Carrizosa, and former Councilmember Nolte also support the ban and that he could not vote against something he would be in favor of. He commented that there are several health issues and an abnormal rate of cancer amongst the children in District 3 and he wished to be respectful of the District where this was an issue.

Councilmember Torres expressed his amazement at how long this issue has been going on for and that as a Planning Commissioner he listened to this issue over the course of three months. He stated that he voted against the project then and that the denial resulted in a better project because it reduced tonnage; he stated that the proposed ordinance is written well and that he supports the ban. He stated that coming from a political family he always knows what the right decision is and that is always listening to the residents. He stated he could not support the motion proposed but that he would support the ban.

Mayor Sandoval stated that he would not support the motion proposed by Vice Mayor Escobar. He expressed that the community had spoken and the particular ban being proposed does not impact current businesses. He stated he does not have an interest in preventing the facilities from doing business and that they were ensuring they hold the businesses in compliance. He commented that this had been a process for a long time and ongoing for many years. He expressed that the City cannot accept things the way they are and how they have been done in the past. The businesses in the City would have to operate on the codes that are in place. He stated he would not support the motion but would support the ban.

**MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO, FAILED 2-5 (Councilmembers Gonzalez, Carrizosa, Ontiveros-Cole, Torres and Mayor Sandoval opposed), to approve the ban but make an amendment that “the code amendment shall not apply to any metal recycling facility, transfer station, or any other facility legally operating pursuant to a conditional use permit, or any other permits or agreements in effect on the date this code amendment becomes effective. Those facilities shall not be deemed as nonconforming use as a result of this code amendment, and shall be allowed to continue to operate in accordance with applicable laws and permits.”**

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-0-1 (Vice Mayor Escobar abstained), to approve Item No. 13 as recommended by Staff.**

Councilmember Robledo clarified that she was not opposed to the ban and but she felt that it needed more direction.

Vice Mayor Escobar expressed that she had started the evening by thanking those in attendance from the task force and that she was not attempting to disrespect anyone.

**Mayor Sandoval called a recess at 10:35 PM.**

**Vice Mayor Escobar left the dais at 10:39 PM.**

**The City Council reconvened into Open Session at 10:44 PM.**

13. The City Council conducted a Public Hearing to consider the Planning Commission's recommendation for denial of an Ordinance approving Specific Plan Amendment (SPA 6114-2016) to allow property within the Pomona Corridors Specific Plan (PCSP) area to develop under PCSP Urban Neighborhood Expansion Zone development standards. The City Council is also considering Tentative Parcel Map 74696 (PARCELMAP 5850-2016) to consolidate two lots into one, and Development Plan Review (DPR 6535-2016) to allow the construction of a 35-unit multi-family residential development.

The subject site is located at 203 Myrtle Avenue in the R-2-PD (Low Density Multiple-Family Planned Development) zoning district and also identified within the PCSP Urban Neighborhood Expansion Zone

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DENYING SPECIFIC PLAN AMENDMENT (SPA 6114-2016) TO REQUEST URBAN NEIGHBORHOOD EXPANSION ZONE REGULATIONS TO BE APPLIED TO A PROPERTY THAT IS WITHIN THE URBAN NEIGHBORHOOD EXPANSION ZONE, BUT IS NOT CONTIGUOUS WITH A PROPERTY WITHIN THE POMONA CORRIDORS SPECIFIC PLAN (PCSP) AREA ON PROPERTY LOCATED AT 203 MYRTLE AVENUE

RESOLUTION NO 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, FOR DENIAL OF TENTATIVE PARCEL MAP 74696 (PARCEL MAP 5850-2016) FOR THE CONSOLIDATION OF TWO PARCELS (APN 8348-011-024 AND 8348-011-025) TO COMPREHENSIVELY DELINEATE THE BOUNDARIES OF THE SUBJECT SITE FOR THE CONSTRUCTION OF 35 MULTIPLE-FAMILY RESIDENTIAL UNITS ON PROPERTY THAT IS APPROXIMATELY 2.24 ACRES IN SIZE LOCATED AT 203 MYRTLE AVENUE

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DENYING DEVELOPMENT PLAN REVIEW (DPR 8535-2016) FOR THE CONSTRUCTION OF 35 MULTIPLE-FAMILY RESIDENTIAL UNITS ON PROPERTY THAT IS 2.24 ACRES IN SIZE LOCATED AT 203 MYRTLE AVENUE

**OR**

## ORDINANCE NO. 4235

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT (SPA 6115-2016) TO REQUEST URBAN NEIGHBORHOOD EXPANSION ZONE REGULATIONS TO BE APPLIED TO A PROPERTY THAT IS WITHIN THE URBAN NEIGHBORHOOD EXPANSION ZONE, BUT IS NOT CONTIGUOUS WITH A PROPERTY WITHIN THE POMONA CORRIDORS SPECIFIC PLAN (PCSP) AREA ON PROPERTY LOCATED AT 203 MYRTLE STREET

## RESOLUTION NO. 2017 - 75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, FOR APPROVAL OF TENTATIVE PARCEL MAP 74696 (PARCEL MAP 5850-2016) FOR THE CONSOLIDATION OF TWO PARCELS (APN 8348-011-024 AND 8348-011-025) TO COMPREHENSIVELY DELINEATE THE BOUNDARIES OF THE SUBJECT SITE FOR THE CONSTRUCTION OF 35 MULTIPLE-FAMILY RESIDENTIAL UNITS ON PROPERTY THAT IS APPROXIMATELY 2.24 ACRES IN SIZE LOCATED AT 203 MYRTLE AVENUE

## RESOLUTION NO. 2017 - 76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING DEVELOPMENT PLAN REVIEW (DPR 6335-2016) FOR THE CONSTRUCTION OF 35 MULTIPLE-FAMILY RESIDENTIAL UNITS ON PROPERTY THAT IS 2.24 ACRES IN SIZE LOCATED AT 203 MYRTLE AVENUE

Development Services Manager Brad Johnson gave a brief presentation on this item.

**MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, to open the Public Hearing.**

Matthew Fertal, Representing Developers of 203 Myrtle Avenue, requested that the City Council approve the project; he commented that the project meets the needs of the community and is compatible with the surrounding neighborhood; he stated that the developer worked closely with Staff to ensure conformance with the City's General Plan and that the property had been vacant for many years.

Felix Vega, partial owners 203 Myrtle Avenue, commented that he is from the community because they worship and work in the area; stated that this project is providing a specific need for housing in Pomona and that they worked diligently with Planning Staff to meet the requirements presented. Mr. Vega said that he and his wife walked the area and spoke to homeowners that were home and all were in favor of the project.

Isabel Vega, a partial owner of 203 Myrtle Avenue, requested that the City Council vote in favor of the development because it would improve the area, the City, it will bring in revenue for the City, and it will be personally managed by her and her husband, Mr. Vega; she expressed that their goal is to provide housing in Pomona.

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**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, to close the Public Hearing.**

Councilmember Carrizosa commented that it was difficult for her to visualize a three-story building in the area because there are single-story homes in the area.

Councilmember Carrizosa inquired, and Development Services Manager Brad Johnson informed that legally, in the R2 Zone the developer, as long as they were not in a collector street, which this was not, could build ten units to the acre which would be roughly around twenty units.

Councilmember Carrizosa commented that she felt it was going to be difficult going in and out of the area. She inquired, and Development Services Manager Brad Johnson informed that the developers did not feel it was economically feasible to build homes rather than apartments.

Councilmember Carrizosa expressed it would be more economically advantageous to the developer and the City to build single-story homes or condominiums because the property owners pay taxes to the City and take care of their properties. She also expressed concern that the development does not fit within this neighborhood. She noted her concern for possible traffic congestion in the area and the potential students having to cross the railroad to walk to school.

Councilmember Ontiveros-Cole stated that the development was nice, but her concern was the neighborhood where the developer wants to build. She spoke on the character of the homes in the community and her concern of the number of cars that will be utilizing the street; she also expressed that she did not think the development would fit in with the neighborhood. She stated that her opinion of housing was single-family dwellings or condominiums where the owners are more vested in the community. She commented that the City of Pomona has several apartment buildings now but that she could see this development in the main corridors. Councilmember Ontiveros-Cole also expressed concern for the railroad and traffic congestion.

Matthew Fertal informed that the development has ninety parking spaces and that the City traffic engineer had determined that that amount was not a level that necessitated a traffic study.

Councilmember Robledo noted that the development design was beautiful but that the three-story development was perhaps too high for the area and that she looked at meeting notes to see if anyone had suggested making it two stories. She commended the developers for their considerations in planning this project and making it a quality project but felt that the project was not the best fit for the area it is in. She expressed it was disheartening to provide anything other than a yes for the project because the City is trying to bring in quality development.

Councilmember Torres stated it was troubling to hear the comments because the lot has been vacant for several years and felt it was inaccurate to state the development is out of place in the neighborhood. Councilmember Torres commented that several similar projects have been built in the City and that denying this project would only hurt the children. He felt the community was open to three-story projects and that due to the demand to take people off the streets he hoped the Council would have a change of heart and that he supported the project.

Councilmember Gonzalez expressed his excitement for the proposed development and felt that the developer had complied with the Planning Commission's requests. He informed that he had spoken to his planning commissioner and that they ensured only two to three bedroom apartments

were being built. He commented that he agreed with Commissioners Arias and Hemming that this project would raise the bar in Pomona. He expressed that the project would benefit the community and that there had not been any residents from that neighborhood that opposed the project. Councilmember Gonzalez informed that he supported the project.

Councilmember Carrizosa expressed that she would not like to have any more apartments in the City and her experience is that several have created problems. She commented that when there is only one way in and out that creates problems. She spoke on the Corridor Specific Plan which informs developers as to what can be built throughout the City and how the developer was requesting an extension of two blocks for the Corridor Specific Plan which was not contiguous; she expressed that if the extension was approved that could lead to requests from other developers.

Mayor Sandoval inquired, and Development Services Brad Johnson explained that the Planned Development is a designation in the current zoning code referred to as planned development, can do detached single-family homes, on their fee interest owned lots the minimum lot size would have to be a 4500 sq. ft. lot. He informed that infield developers are going a different route because they would not get many units on a 2.2-acre lot; they are creating airspace for the footprint of the living area. They could request ten units per acre as rental units or as a condominium area.

Mayor Sandoval inquired, and Mr. Fertil informed that at the advice of staff townhomes had not been considered and they thought amending the Specific Plan to waive the contiguous requirement would be the preferred path to getting the project developed, financially feasible and that the investor was looking for an income and long-term investment.

Mayor Sandoval inquired, and Development Services Manager Brad Johnson informed that Councilmember Torres was correct on infield projects all across the City there is high-density housing next to single-family housing. He said there were some three-story, but mostly two-story developments which are adjacent to single-family homes and there were protections in place.

Mayor Sandoval inquired, and Development Services Manager Brad Johnson informed that there is a traffic manual that has adopted the standards in the guidelines. He informed that residential areas are a low volume generator of trips per day. A thirty-five unit project did not meet the fifty peak hour trips in the traffic manual, so a traffic study was not required for the project.

Mayor Sandoval stated he could appreciate both sides of the issue and that the Council agrees it is a nice project; he commented that he understood the desire for more owners and how it related to helping stabilize the community. He questioned whether the project would be a catalyst for the revitalization of the neighborhood.

Councilmember Ontiveros-Cole expressed her concern about the project being a three-story structure and amending the Corridor Specific Plan.

**MOTION BY COUNCILMEMBER ONTIVEROS-COLE, to deny the project.**

Development Services Manager Brad Johnson informed that under this expansion overlay zone developers could not design detached single family homes but that they could design unattached units.

Councilmember Robledo inquired, and Mr. Fertil informed that they have not thought through the parking situation but the project had sufficient parking and street parking as well, and they were open to suggestions from Staff.

Mayor Sandoval inquired, and Assistant City Attorney Andrew Jared informed that each application received to amend the Corridor Specific Plan is viewed independently.

**MOTION BY COUNCILMEMBER ROBLED, SECOND BY MAYOR SANDOVAL, to extend the meeting past 11:00 P.M. at 12:00 A.M. Carried 6-0-1-0 (Vice Mayor Escobar absent)**

Councilmember Torres inquired, and Mr. Fertil commented that he would be open to using local hires for labor contracts.

Councilmember Gonzalez inquired, and Chief Capraro informed that the area is known as an encampment site and has seen it cleaned a few times.

Councilmember Gonzalez commented that there are going to be a lot of changes in the area. He expressed that if the Council had issues with the General Plan, then it should be revisited but that the applicant should not be affected.

**MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER TORRES, CARRIED 4-2-0-1, (Councilmembers Carrizosa and Ontiveros-Cole OPPOSED, Vice Mayor Escobar absent) to approve Item No. 13.**

14. The City Council conducted a Public Hearing for an Appeal of the Planning Commission's Denial of Conditional Use Permit (CUP 11-002) to legalize the conversion of a group care facility to an eleven unit rooming house on a 16,600 square foot property located at 804 William Street in the R-2 (Low Density Multiple Family Residential) zoning district (Council District 1); Applicant/Appellant, Dr. Michael Agron/Russell Morse

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 11-002), FOR THE LEGALIZATION OF THE CONVERSION OF A GROUP CARE FACILITY TO AN ELEVEN UNIT ROOMING HOUSE ON A 16,600 SQUARE FOOT PROPERTY LOCATED AT 804 WILLIAM STREET IN THE R-2 (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT

**OR**

RESOLUTION NO. 2017 -77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP 11-002) FOR THE LEGALIZATION OF THE CONVERSION OF A GROUP CARE FACILITY TO AN ELEVEN UNIT ROOMING HOUSE ON A 16,600 SQUARE FOOT PROPERTY LOCATED AT 804 WILLIAM STREET IN THE R-2 (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT

Development Services Manager Brad Johnson provided a presentation on this item.

Russell Morse, attorney representing Dr. Michael Agron the applicant, stated that since Mr. Agron purchased the property the calls for service have been reduced. He informed that all the tenants were long term tenants and that they had a waiting list. He stated that most of the tenants were senior citizens, disabled and on SSI. He commented that the property was consistent with the Housing Accountability Act.

Jerome Sutherland, Property Manager, stated that when he moved into the building it was in disarray and was given authority to evict people based on what he saw and that they eliminated several issues. He informed that he had obtained signatures from most of the neighbors stating that the building was not how it was in the past and that he has a process for interviewing potential tenants. He expressed that they do not desire to be back on the streets and that the building is a home to them.

Hank Fung, Pomona, stated he had never met the applicants but that this was a project that needed to be approved to prevent eleven more people from being added to the housing problem. He stated that the strong CUP process would alleviate any issues from the past.

Alex Sotelo, Pomona, was not present to speak but opposed the project.

Priscilla Paschal, was not present to speak but opposed the project.

Antonia Williams was in support of the item but did not wish to speak.

Irving Ross was in support of the item but did not wish to speak.

Maricela R. Benitez and David R. Benitez submitted a letter stating that since Mr. Sutherland became the property manager he has kept the property in excellent condition and that Mr. Sutherland has been a benefit to the City.

Norma Moreno, Pomona, submitted a letter stating that she has never had any complaints of the tenants or property manager at the location and that she was in accordance with the rooms being rented.

Yolanda Robbins, Pomona, submitted a letter stating that she resides in the building and that it is best suited for her because she is low-income pending SSI income for mental health disability and that if it were not for this building she would be homeless.

City Clerk Eva M. Buice informed Council that they had received the signatures collected by Mr. Sutherland.

Councilmember Robledo inquired if the CUP was denied what steps would be taken with the residents at the property.

Development Services Manager Brad Johnson informed that if the CUP is denied the structure would have to be occupied by qualified residential land uses that the General Plan allows. He informed that a sober living home could move in the next day but that they need to fit into the description of a transitional living facility. He stated they would have to confer with the City Attorney's office to have someone evicted from the property.

Councilmember Gonzalez stated that the building was a mansion from 1890 and that he enjoyed the concept of adaptive re-use. He stated he was okay with turning the home into apartments for seniors and low-income to have a place to go. His only reservation was that that Planning Commission denied the CUP with a 7-0 vote. He expressed that it was a business without a permit but that he respects that the calls for service have gone done. He commented that he would abstain from voting.

Councilmember Ontiveros-Cole informed that she was concerned with the signatures and that they seemed to be from all over the area. She inquired if the signatures were okay to bring in.

Assistant City Attorney Jared stated that the signatures showed people were in support and that there was nothing that precluded or limits where the signatures come from.

**MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER TORRES, to approve the project.**

Councilmember Robledo stated she was concerned about deciding and did not feel the Council was prepared to decide at this time because there were pieces that were emotional to a certain extent. She requested that the item be brought back in a future agenda.

Councilmember Gonzalez stated that the applicants would like to know one way or another the fate of the building.

Mayor Sandoval stated that if the Planning Commission voted 7-0 to deny the project, that brought concerns and they should delve into those concerns.

Development Services Manager Brad Johnson stated that there was a concern for the safety of children; there were speakers at the Planning Commission meeting that spoke on finding needles and suggested requiring background checks of the tenants.

Mayor Sandoval inquired and Development Services Manager Brad Johnson informed that it had been operating as a boarding house out of compliance since 2010, the owner was doing his due diligence but perhaps not getting the clearest answers and according to the applicant they do not fall into qualifying as a special needs group because they have long term tenants.

Assistant City Attorney Andrew Jared stated that there were two resolutions; and to look at the resolutions for denying and at the proposed findings. He informed that any CUP has to make five findings and that is the basis for denial. He stated if the Council wanted to deny the project the text in italics would be the required sections under the Code.

**MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER TORRES, FAILED 1-4-1-1 (Councilmembers Robledo, Carrizosa, Ontiveros-Cole, and Mayor Sandoval opposed, Councilmember Gonzalez abstained, and Vice Mayor Escobar was absent), to approve the project.**

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED, 4-1-1-1 (Councilmember Torres opposed and Councilmember Gonzalez abstained, and Vice Mayor Escobar was absent) to deny CUP 11-002.**



15. The City Council conducted a Public Hearing for Consideration of a Resolution Establishing and Adjusting Business License Fees for Services provided by the Finance Department

RESOLUTION NO. 2017-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA ESTABLISHING BUSINESS LICENSE APPLICATION FEES FOR THE FINANCE DEPARTMENT

Finance Director Onyx Jones informed the City Council she was available for questions if necessary.

The City Council did not have any questions for Finance Director Onyx Jones.

**MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER CARRIZOSA, to Open the Public Hearing**

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, to Close the Public Hearing.**

**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 6-0-1-0 (Vice Mayor Escobar was absent).**

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

Absent: 1 - Escobar

16. Conduct a Public Hearing and adopt Resolutions approving the Fiscal Year 2017-18 City of Pomona Operating Budget, Housing Authority Budget, Five Year Capital Improvement Program Budget, related actions, and review and adoption of Fiscal Year 2016-2017 budget amendments

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING THE CITY'S OPERATING BUDGET FOR FISCAL YEAR 2017-2018 AND AMENDING THE CITY'S OPERATING BUDGET FOR FISCAL YEAR 2016-17

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING THE GANN APPROPRIATIONS LIMIT FOR THE CITY OF POMONA PURSUANT TO ARTICLE XIII OF THE STATE CONSTITUTION FOR FISCAL YEAR 2017-2018

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE PERSONNEL RULES AND REGULATIONS FOR EXECUTIVE MANAGEMENT GROUP A AND B EMPLOYEES BY THE ACTIONS LISTED HEREIN

## RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDIX B OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA CITY EMPLOYEES' CHAPTER OF THE TEAMSTERS LOCAL 1932 BY THE ACTIONS LISTED HEREIN

## RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING THE CITY OF POMONA'S SALARY SCHEDULE TO MEET THE CALIFORNIA CODE OF REGULATIONS TITLE 2, SECTIONS 570.5 AND 571

Finance Director Onyx Jones gave a brief presentation on this item.

Councilmember Carrizosa expressed her concern on the allocations for the Humane Society and Deputy City Manager Mark Gluba informed that he could provide more information in a weekly report.

Councilmember Robledo inquired and Development Services Director Mark Lazaretto informed that the referenced project was in the senior program under Performance Arts fees. He commented that it is used by the Community Services staff to pay for performances at the senior center.

Councilmember Carrizosa stated she would like money allocated for concerts for the community.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 5-0-1-0 (Vice Mayor Escobar was absent), to Open the Public Hearing to hear the comments of a public speaker and continue the Public Hearing to the June 12, 2017 City Council meeting.**

Hank Fung, Pomona, informed that he supports the funding for Granicus to provide live streaming of the city council meetings, he also spoke on the FPPC Filing forms and providing transparency, he commented that in the future if the budget allowed he would like to see body cameras for the police department.

Police Chief Capraro informed that body cameras are high on his priority list and as soon as the funding was available the police department will be purchasing the cameras.

**MATTERS INITIATED BY CITY COUNCILMEMBERS**

There were no matters initiated by the Mayor or Councilmembers.

**RECESS INTO CLOSED SESSION**

The City Council recessed into Closed Session at 1:25 a.m.

**CITY ATTORNEY REPORT OUT FROM CLOSED SESSION DISCUSSIONS**

Item A-6: This item was discussed; there was no reportable action taken and nothing further to report.

**ADJOURNMENT**

The City Council meeting was adjourned at 2:15 a.m.

The next Special Meeting will be held on Monday, June 12, 2017 at 5:30 p.m. 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 7:00 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