



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

Meeting Minutes - Draft

City Council / Housing Authority / Successor Agency to the Redevelopment Agency

*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.*

Monday, June 19, 2017

7:00 PM

Council Chambers

5:30 P.M.

CLOSED SESSIONS

Public Comment:

A. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION
(Pursuant to Government Code Section 54956.9 (d)(1))

Tessier v. City of Pomona
Citizens for Amending Prop L v. City of Pomona
Chino Basin Municipal Water District v. City of Chino, et al.

B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

One matter regarding exposure to litigation will be discussed
(Pursuant to Government Code Section 54956.9 (d)(2))

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

Property:	1420 S. Garey Avenue
Negotiating Party:	Victor Caseres
City's Negotiator:	Linda Lowry, City Manager
Under Negotiation:	Terms of Lease

Property:	1390 E. Mission Blvd.
Negotiating Party:	Gene Stalions Trust
City's Negotiator:	Linda Lowry, City Manager
Under Negotiation:	Price and Terms

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Alvarez-Glasman stated that the City Council convened into Closed Session at 5:38 p.m. and that the items listed on the agenda had been announced prior to recessing into Closed Session; he informed one item was added due to coming up after the posting of the agenda and required immediate direction from the City Council, and he reported the following:

The City Council voted unanimously to add an Item involving the City of Pomona and Garey Motel (Formerly known as the Pomona Auto Lodge).

Councilmember Robledo arrived at 6:00 PM.

Councilmember Torres arrived at 6:01 PM.

Vice Mayor Escobar was absent.

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

Item A-2: A briefing was provided, direction was provided, there was no final action taken, and there is nothing further to report.

Item A-3: An update was provided, direction was provided to the special counsel with authority to appeal this matter, and to authorize the City Manager to execute the joint defense agreement

Item B: This item was not discussed and will be discussed when the City Council reconvenes into Closed Session.

Item C: This item was not discussed and will be discussed when the City Council reconvenes into Closed Session.

Item D-1: This item was discussed, direction was provided to the agency's negotiator, and there is nothing further to report.

Item D-2: This item was discussed, direction was provided to the agency's negotiator, and there is nothing further to report.

Item D-3: This item was not discussed and will be discussed when the City Council reconvenes into Closed Session.

Item D-4: This item was not discussed and will be discussed when the City Council reconvenes into Closed Session.

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

7:00 P.M.

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

ROLL CALL

Present: 6 Mayor Tim Sandoval
 Council Member Rubio Gonzalez
 Council Member Adriana Robledo
 Council Member Cristina Carrizosa
 Council Member Elizabeth Ontiveros-Cole
 Council Member Robert Torres

Absent: 1 Council Member Ginna E. Escobar

STAFF PRESENT:

Linda Lowry, City Manager
Arnold Alvarez-Glasman, City Attorney
Eva M. Buice, MMC, City Clerk
Genoveva Rocha, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Councilmember Carrizosa led the Pledge of Allegiance to the Flag.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Mayor Sandoval announced that item 10a would be continued to the next meeting; he informed the audience there were issues with the air conditioning noting this is why the lights were dimmed.

Councilmember Torres noted he spoke at the Fairplex Strategic Planning meeting in regards to transparency, housing and revenue generation; he also attended two Juneteenth Celebrations at Willie White and Ganesha Parks

Councilmember Robledo thanked the Pomona Kiwanis Club for fundraising for the Police Department's Great Camp Out where they raised about \$4,000.

Mayor Sandoval thanked Mr. Martinez, owner of a local Tai Kwon Do program, for the work he does with kids and for hosting an Olympics event; thanked Trudy Coleman, organizer of the Juneteenth Festival.

CITY MANAGER COMMUNICATIONS

City Manager Lowry informed that at the July meeting Staff would be bringing a budget amendment to create Capital Improvement Project for replacement of the air conditioning system for City Hall; she stated that Staff is looking at options and estimates it will be about \$1 million dollars to repair.

Councilmember Carrizosa requested that City Manager Lowry inform residents of the firework signs placed throughout the City.

City Manager Lowry informed that in order to raise awareness of the prohibition of fireworks within the City of Pomona Staff was encouraged, by Councilmembers Carrizosa and Ontiveros-Cole, to put signs out, they have been ordered, and they will be placed at public right of ways and parks; she stated they would be working with the City Council and Police Department to have the signs placed no later than the beginning of the week.

Councilmember Carrizosa requested that the City collaborate with the Pomona Unified School District to place some signs at the schools, City Manager Lowry informed they would also request for the school district to place it on their reader board.

Councilmember Torres inquired and City Manager Lowry informed that the placement of the signs would be in the right of way where people drive so that it is visible and where there is a fire risk but that details had not been finalized.

Mayor Sandoval inquired and City Manager Lowry informed that Staff can work with the police department's dispatch to find out where calls regarding fireworks originate and place signs in those areas.

Councilmember Robledo thanked Councilmembers Carrizosa and Ontiveros-Cole for bringing awareness to the issue and informed that Vice Mayor Escobar is active in informing residents not use fireworks because of the dangers pose to the community.

PUBLIC PARTICIPATION

Paola Avendando, representative for Assemblyman Freddie Rodriguez, extended an invitation to the Health First Health Fair taking place on Saturday, June 24, 2017 in Washington Park from 1:00-4:00 p.m.; noted Senator Connie Leyva would be in attendance and thanked Councilmember Carrizosa for her assistance in planning the event.

Soo Jin Kim, from Live Wireless, shared concerns over fraud in the qualification process for Federal Life Line services; requested a meeting to discuss a plan that would be mutually beneficial to the City and her company. Mayor Sandoval referred Ms. Kim to contact AnneMarie from his office and provided a phone number to schedule an appointment with a Councilmember.

Tahir Khan, Local businessman in Pomona and Public Affairs Director of Ahmadiyya Muslim Community in Chino, extended an invitation to Mayor Sandoval, the Council Members and the audience to attend the annual Star Dinner on Thursday, June 22, 2017 at 6:30p.m. at the Mosque in Chino.

Everia Condon, Pomona, shared concerns and asked for advice about the response of staff regarding complaints specific to her property at 394 Roosevelt; these included dead peacock removal, street sweeping, and a parking ticket; Mayor Sandoval referred Ms. Condon to Public Works Director McWade and Police Chief Capraro for more information.

Lorraine Flores inquired about the process of requesting a playground be built at Hamilton park, between Holt and Mission Avenue; requested tree trimming near the basketball and handball courts at Hamilton Park and asked how to get a Neighborhood Watch sign installed at the Grand Terrace Apartments; Mayor Sandoval referred Ms. Flores to Public Works Director McWade and Police Chief Capraro for more information.

Christopher Kim spoke on the legalized marijuana industry in the surrounding cities of Adelanto, West Covina and Coachella Valley; inquired where Pomona wants to be in this marijuana legalization process; shared concerns from local business owners regarding the perception of their contributions to tax revenue and jobs.

Randy Bekendam commented that he has enjoyed coming and learning about the political process and inquired if it would be feasible to implement regular town hall meetings; Mayor Sandoval responded that they do have regular community engagement meetings and invited Mr. Bekendam to the monthly Coffee with a Councilmember on June 28th with himself and Councilmember Ontiveros-Cole tentative location is Carl's Jr. on Indian Hill.

Elinor Crescenzi asked that the resolution drafted by the United Voices of Pomona for Environmental Justice presented at the City Council Meeting on June 5, 2017, be brought before the Council at a future meeting; read the remaining portion of the Resolution aloud.

Ryan Sharif expressed opposition to the proposed dog park sharing that his children have enjoyed using the park, especially the proposed site, for sports activities and special events.

CONSENT CALENDAR

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT), to approve the Consent Calendar with Item 9A being pulled for discussion.

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

Absent: 1 - Escobar

1. The City Council approved the Engineer's Report for Consolidated Citywide Street Lighting and Landscaping Maintenance District Fiscal Year 2017-18 and Adopt a Resolution of Intent Setting July 10, 2017 as the Public Hearing Date Regarding Annexation of Additional Territory and the Levy of Annual Assessments

RESOLUTION NO. 2017 -86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO ANNEX NEW TERRITORY AND LEVY FISCAL YEAR 2017/18 ASSESSMENTS FOR THE CONSOLIDATED CITYWIDE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT AND SETTING JULY 10, 2017 AS THE DATE FOR THE PUBLIC HEARING ON THE MATTER

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

Councilmember Carrizosa asked and Public Works Director McWade responded about the deficits to the fund balance.

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

Absent: 1 - Escobar

2. The City Council adopted a Resolution Approving Lot Merger LM 3-2017 of Lots 8 and 9 of Tract No. 891, Recorded in Book 17, Page 49 of Maps, County of Los Angeles, Assessor Parcel Number 8338-027-005, Located at 1180 N. Palomares Street, Pomona, CA (Council District 4)

RESOLUTION NO. 2017-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM 3-2017 OF LOTS 8 AND 9 OF TRACT NO. 891, RECORDED IN BOOK 17, PAGE 49 OF MAPS, COUNTY OF LOS ANGELES, ASSESSOR PARCEL NUMBER 8338-027-005, LOCATED AT 1180 N. PALOMARES STREET, POMONA, CA

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

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

Absent: 1 - Escobar

3. The City Council awarded a Sole Source Agreement to Brown Motor Works, Inc. for Repair and Service of Police BMW Motorcycles

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

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

Absent: 1 - Escobar

4. The City Council approved a Cooperative Agreement with OmniTrans for the West Valley Connector Safe Routes to Transit Project Related to the Five Enhanced Bus Stop locations Planned for Pomona

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

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

Absent: 1 - Escobar

5. Introduction and First Reading of an Ordinance Amending Pomona City Code Section 2-522 to Reconcile Conflict with City Charter Section 801 Pertaining to Council Votes Required for Removal of Commissioners

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE POMONA CITY CODE BY REPEALING SECTION 2-522 PERTAINING TO THE REMOVAL OF COMMISSIONERS

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

Councilmember Gonzalez asked for clarification on the modification; Mayor Sandoval responded that a change was made due to an inconsistency between code and charter and both now read as “a simple majority”; Mayor Sandoval confirmed and that any other changes to the Commissions are a separate discussion.

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

Absent: 1 - Escobar

6. The City Council adopted a Resolution Approving Financial Assistance to Homebuyers under the Neighborhood Stabilization Programs (NSP1 and NSP3) in an amount not to exceed \$95,000 per NSP-eligible property

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING FINANCIAL ASSISTANCE TO HOMEBUYERS UNDER THE NEIGHBORHOOD STABILIZATION PROGRAMS (NSP1 AND NSP3), IN AN AMOUNT NOT TO EXCEED \$95,000 PER NSP ELIGIBLE PROPERTY

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

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

Absent: 1 - Escobar

7. The City Council adopted a Resolution of the City Council of the City of Pomona approving the 2017-2018 Statement of Investment Policy for the Investment of public funds by the City Treasurer and affirming appointment of Finance Director as City Treasurer

RESOLUTION NO. 2017-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE 2017-2018 STATEMENT OF INVESTMENT POLICY FOR THE INVESTMENT OF PUBLIC FUNDS BY THE CITY TREASURER AND AFFIRMING APPOINTMENT OF FINANCE DIRECTOR AS CITY TREASURER

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

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

Absent: 1 - Escobar

- 8.** Adoption of Resolutions Amending the Memoranda of Understanding for Pomona City Employees' Association and Pomona Mid-Management/Confidential Employees Association, the Personnel Rules and Regulations for Group A and B Employees, the Part-time Compensation Plan, and the Fiscal Year 2017-2018 Adopted Operating Budget to Increase Salary Scales for Police Dispatcher Series and Related Classifications

RESOLUTION NO. 2017 -90

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 TO INCREASE THE SALARY SCALE OF THE POLICE DISPATCHER SERIES

RESOLUTION NO. 2017 -91

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 MID-MANAGEMENT / CONFIDENTIAL EMPLOYEES' ASSOCIATION BY INCREASING THE SALARY SCALE OF POLICE DISPATCH AND JAIL SERVICES MANAGER

RESOLUTION NO. 2017 -92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE PERSONNEL RULES AND REGULATIONS FOR EXECUTIVE MANAGEMENT GROUPS A AND B EMPLOYEES BY INCREASING THE SALARY SCALE OF POLICE CIVILIAN DIVISION COMMANDER

RESOLUTION NO. 2017 -93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE PART-TIME COMPENSATION PLAN BY INCREASING THE SALARY SCALE OF POLICE DISPATCHER

RESOLUTION NO. 2017 -94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2017-2018 ADOPTED OPERATING BUDGET

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

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

Absent: 1 - Escobar

9. The City Council adopted Resolutions Amending the Memoranda of Understanding with the Pomona City Employees' Association and the Pomona Mid-Management/Confidential Employees' Association, Amending the Authorized Staffing Levels within the Fiscal Year 2017/18 Operating Budget, and Approving the Citywide Salary Schedule for Classification Actions Related to Merger of Utility Billing and Revenue Functions in the Finance Department

RESOLUTION NO. 2017 -95

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 TO CREATE THE CLASSIFICATION SERIES OF CUSTOMER SERVICE SPECIALIST

RESOLUTION NO. 2017 -96

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 MID-MANAGEMENT / CONFIDENTIAL EMPLOYEES' ASSOCIATION BY CREATING THE CLASSIFICATION OF REVENUE OPERATIONS SUPERVISOR AND DELETING THE CLASSIFICATIONS OF REVENUE SERVICES SUPERVISOR AND CUSTOMER SERVICE SUPERVISOR

RESOLUTION NO. 2017 -97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING STAFFING LEVELS ALLOCATIONS IN THE FISCAL YEAR 2017-18 OPERATING BUDGET AS A RESULT OF MERGER OF CUSTOMER SERVICE AND REVENUE SERVICES TRANSFER OF THE STORM WATER PROGRAM TO WATER RESOURCES

RESOLUTION NO. 2017 -98

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

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT).

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

Absent: 1 - Escobar

- 9A.** The City Council adopted at Second Reading Ordinance No. 4234, Amending the Code (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 Prohibit New Waste and Recycling Uses as Allowed Uses Throughout the City, With the Exception of Convenience Recyclers and Recycling Manufactures, 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. 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

This item was pulled for discussion.

ITEMS PULLED FOR DISCUSSION

- 9A.** The City Council adopted at Second Reading Ordinance No. 4234, Amending the Code (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 Prohibit New Waste and Recycling Uses as Allowed Uses Throughout the City, With the Exception of Convenience Recyclers and Recycling Manufactures, 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

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The following individuals did not wish to speak, however, support the ordinance to ban new waste and recycling businesses;

David O. Holmes
Robert Benza
Tom Reed
James T. Butler

Derek Engdahl thanked Mayor Sandoval, Council Members, City Staff and specifically Mark Lazzaretto and Brad Johnson for their work and their vote on the waste and recycling ban; shared that he feels this is in alignment with the Pomona General Plan, and a step in the right direction, however, there felt there still is work to be done.

Julie Roberts Franc, Pomona resident, shared she is celebrating the vote to ban future waste and recycling expansion in the City and is happy to see change; expressed gratitude for leadership that is promoting a cleaner and safer future.

Nora Garcia, resident and member of Clean and Green Pomona; thanked the Council for the ban on expansion of waste and recycling; noted that the ban will improve conditions for children and residents in industrial zones; shared her appreciation for the City Officials and staff who are working to make the City of Pomona a physically safer place to live and grow.

Paul Deibel, member of the I.C.O.N. Group, thanked the Council for its action and for listening to the residents by adopting the ban on future waste and recycling users coming in; noted that this was a significant step, however, expressed concern over the monitoring of existing businesses and their ability to abide by the rules, regulations and conditions; asked the Council to be cognizant of potential

Kathryn Kirui , member of Clean and Green Pomona and I.C.O.N. (Inland Community Organizing Network) thanked those that voted on the ban, congratulated the Council for putting the people first, despite outside pressures; expressed gratitude that the Council Members acted with discernment and wisdom and in the interest of the greater good.

Lisa Engdahl, Pomona resident, member of Clean and Green Pomona and I.C.O.N. thanked the council for their vote in favor of the ban on new waste, recycling and pallet facilities and the prohibition of expansion of current facilities; expressed gratitude for the gesture to improve quality of life for Pomona residents; noted sincere thanks to Mayor Sandoval and Councilmember Carrizosa for their leadership and moving the ban forward without amendment; publically acknowledged Clean and Green Pomona Waste & Recycling task Force, United Voices for their toxic tours, as well as, community leaders Reverend Julie Roberts Franc , Mr. Anselmo Olmos, and David Holmes for their dedication and efforts.

Gerry W. Cox, Pomona resident and member of Clean and Green shared her concern for the health and happiness of the citizens of Pomona; acknowledged Mayor Sandoval and Council members for their compassion and actions which have shown that they value and care for their citizens.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0 (COUNCILMEMBER ESCOBAR WAS ABSENT).

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

Absent: 1 - Escobar

DISCUSSION CALENDAR

- 10.** 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 the California Department of Corrections and Rehabilitation Division of Adult Parole Operations in support of their Community Resource Fair on June 21, 2017 - Requested amount: TBD

MOTION BY COUNCILMEMBER ROBLED0, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-0-1 (VICE MAYOR ESCOBAR WAS ABSENT), to approve Item a. of the Finding of Public Benefit to the Community at Large.

Mayor Sandoval and Councilmember Carrizosa both stated they would each contribute \$250.

Councilmembers Gonzalez and Robledo each stated they would later inform AnneMarie of their contributions.

Councilmember Gonzalez and Mayor Sandoval requested to add Items b. and c. to the Findings of Public Benefit to the Community at Large.

b. Cesar Chavez Park Event, June 24,2017 -Requested amount: TBD

c. Snoop Dogg Football League, -Requested amount: TBD

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (VICE MAYOR ESCOBAR WAS ABSENT), to add Item b. and c. to the Finding of Public Benefit due to it coming up after the posting of the agenda.

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED 6-0-0-1 (VICE MAYOR ESCOBAR WAS ABSENT), to approve the Findings of Public Benefit.

10A. THE MAYOR HAS REQUESTED THIS ITEM BE CONTINUED TO JULY 10, 2017

Discussion and Possible Direction Whether to Change the Plans for "Phillips Paw Park," Project No. 428-2590-XXXXX-71033, and Amend the Construction Contract with C. S. Legacy Construction, Inc., Accordingly

Per the Mayor's request this item was continued to the next Regular City Council meeting on July 10, 2017.

PUBLIC HEARINGS

11. Conduct a Public Hearing on the Planning Commission's Denial of Conditional Use Permit (CUP 4607-2016) for a proposed fourteen-unit residential development at 1198-1236 S. San Antonio Ave., and Tentative Tract Map No. 74367 (TTM 4947-2016) which proposes to subdivide two lots totaling approximately 46,550 square feet for residential detached condominium purposes, in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone. Applicant/Appellant, Shahram Tork (Council District: 3)

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 4607-2016) TO DEVELOP 14 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE WITHIN THE R2-S ZONING DISTRICT

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TENTATIVE TRACT MAP (TTM 4947-2016) TO DEVELOP 14 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE WITHIN THE R2-S ZONING DISTRICT

OR

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP 4607-2016) TO DEVELOP 14 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE WITHIN THE R2-S ZONING DISTRICT

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA DENYING TENTATIVE TRACT MAP (TTM 4947-2016) TO DEVELOP 14 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE WITHIN THE R2-S ZONING DISTRICT

Mayor Sandoval requested and Council concurred to move Item 11 to after Item 14 due to the number of speakers.

- 12.** The City Council conducted a Public Hearing to Adopt a Resolution to Form a Groundwater Sustainability Agency (GSA) for the Un-adjudicated Portion of the Chino Groundwater Basin Within Los Angeles County (Basin No. 8-2.01 in the California Department of Water Resources CASGEM Groundwater Basin System)

RESOLUTION NO. 2017-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, FORMING A GROUNDWATER SUSTAINABILITY AGENCY FOR THE UNADJUDICATED PORTION OF THE CHINO GROUNDWATER BASIN WITHIN LOS ANGELES COUNTY

Darron Poulsen gave a brief presentation sharing that Chino Basin has determined the area near Phillips Ranch has no potential to provide groundwater; therefore to satisfy the needs of the State, paperwork must be provided showing that this area is exempt from a major management plan; noted the potential consequence to hold back grants if the City does not meet State regulations.

MOTION BY COUNCILMEMBER ROBLEDO to open public hearing, SECOND BY COUNCILMEMBER CARRIZOSA.

There were no Speakers for this Item

MOTION BY COUNCILMEMBER ROBLEDO to close public hearing, SECOND BY COUNCILMEMBER CARRIZOSA.

Councilmember Torres inquired how long it would take to get a response from the State and asked for a definition of an adjudicated basin

Darron Poulsen responded that it takes 60 days for the State to notify us that they have received the application; the application must be submitted before the end of this month; he defined an adjudicated basin as one bound by court order where all pumpers have come together to oversee the pumping versus an un-adjudicated basin having no orders on how much water can be pumped out of a basin.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-0-1 (VICE MAYOR ESCOBAR WAS ABSENT).

13. Consideration of an appeal of the Historic Preservation Commission's non-action on major certificate of appropriateness (MAJCOA 6988-2017) to allow the removal of a cedar deodar tree in the front yard of the residence located at 366 West Alvarado Street within the Wilton Heights Historic District

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DENYING MAJOR CERTIFICATE OF APPROPRIATENESS FOR A REQUEST (MAJCOA 6988-2017) TO REMOVE A 70-FOOT TALL DEODAR CEDAR TREE ON PROPERTY LOCATED AT 366 WEST ALVARADO STREET WITHIN THE WILTON HEIGHTS HISTORIC DISTRICT

OR

RESOLUTION NO. 2017 -100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MAJOR CERTIFICATE OF APPROPRIATENESS REQUEST (MAJCOA 6988-2017) TO REMOVE A 70-FOOT TALL DEODAR CEDAR TREE ON PROPERTY LOCATED AT 366 WEST ALVARADO STREET WITHIN THE WILTON HEIGHTS HISTORIC DISTRICT

Brad Johnson, Planning Manager clarified prior to giving a presentation on this item that the 3-3 Historic Preservation Commission vote was incorrect and the second vote taken was a 5-1-1 vote; Mayor Sandoval asked and received clarification that the 3-3 vote was to approve the removal of tree, and the 5-1-1 vote was to deny the removal of the tree.

Mr. Johnson showed pictures of the tree, gave a brief history noting he City had erroneously issued an exemption permit, when work started on the weekend, the Police Department and Code Enforcement departments were contacted; noted staff had concern that the tree was not receiving water, as the tree appeared to be wrapped at the base in a black tarp and retaining wall stones; he stated neighbors were concerned the homeowner is purposely trying to kill the tree; shared the property owner submitted an arborist letter that the tree is not healthy, however, the City arborist does not agree with that determination.

Councilmember Carrizosa inquired about the distance from the tree to the gate and if there had been any incidents of back up of the sewer line.

Mr. Johnson stated the Historic Preservation Commission recommended some cleanup of the tree and that the homeowner claims there have been sewer issues.

Councilmember Robledo inquired if the arborist had any information about the wrapping of the tree.

Mr. Johnson responded that the arborist was unsure of why the tree was wrapped. Councilmember Robledo inquired into the liability to the City due to the fact that the city issued the permit erroneously and the work had already started.

City Attorney Alvarez-Glassman advised that even though the report was issued erroneously, the possibility of liability to the City is limited.

Christian Irias, homeowner of 366 W. Alvarado sent a letter regarding his need to appeal and requested to work with another person besides Brad Johnson; stated he was explained the process by Mr. Johnson, who was ill advised; shared that his neighbor, Robert Moore, told him Debra Martin called Code Enforcement on him. He submitted a Public Records request and the City Clerk responded that there were no responsive documents; a permit has been issued ten years prior; elaborated that Mr. Johnson could not explain to the Commission what the vote meant, they had to vote twice; a commissioner asked if he had a report from an arborist therefore he got one. He requested if his appeal was approved he be assigned an unbiased person to work with.

Hilda Magallanez spoke in favor of the tree removal; shared that the Historic Preservation Commission meeting on May 3rd seemed very informal and unorganized; noted there needs to be some type of guidance or process to make an informed decision; expressed concerns that it was not a fair vote, as the issue of the safety of the tree was abandoned, noting the vote was misunderstood, 5-1 vote was to trim it; the recommendation on the agenda was that the tree has been found to be safe by the City Arborist; requested that Mr. Johnson not be involved in the process moving forward.

Councilmember Torres requested a recap of the history; inquired if the applicant was issued a permit to remove his tree and if so, the reasoning.

Mr. Johnson responded that a permit was issued due to the property owner stating the tree was causing damage to the sewer line.

Councilmember Torres inquired how a property owner might prove a sewer or safety issues to City Staff.

Mr. Johnson noted residents are encouraged to provide documentation, video and consider consulting with the city Public Works Department or seek a City arborist's opinion and then go to the Historic Planning Commission for approval.

Councilmember Torres inquired into the process of reporting a city tree as a potential hazard and into alternatives presented to the applicant. Mr. Johnson confirmed three different options were presented to the homeowner.

Councilmember Torres asked who pays for this, if the tree takes more maintenance. Mr. Johnson noted that has only been one instance over the last 10 years where we got a claim to repair private sewer lines for a public tree.

Councilmember Torres inquired why a vote was missing on the commission. Mr. Johnson explained that Commissioner Debra Martin had to recuse herself from the vote because she owns property in the area.

City Attorney Alvarez-Glasman clarified that the decision of any elected officer to participate or not in a process is their individual decision; this was her decision to not participate.

**MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER CARRIZOSA
APPROVE REMOVAL OF THE TREE**

Councilmember Gonzalez expressed appreciation for the historic district, however, stated there is a lot of red tape; spoke on the City's mistake and the fact that two certified licensed arborists approved removal of the tree; stated he will be abstaining from the vote; and commented should the Council deny the request to remove the tree, he feels the City should pay for the cost of cleaning the sewer lines.

Councilmember Carrizosa feels the situation was badly managed; noted Mr. Irias was a responsible citizen, who was granted the permit, he paid for it, and hired someone for the removal of the tree; expressed concerns that a former council member and commissioner stopped the process with no authority to stop anything.

Councilmember Ontiveros-Cole addressed Mr. Irias inquiring about the permit, the process and the condition of the tree.

Mr. Irias stated the tree is missing 22 limbs, is unbalanced and considered dangerous, leaning more towards the house than towards the street; noting that an arborist informed him that the Santa Ana Winds could knock it over.

Councilmember Ontiveros-Cole shared there is no possibility of the tree looking the same, now that it is cut the way that it is; understands why they made the decision that the tree is unsafe.

Councilmember Robeldo asked Mr. Johnson if the City considered using an independent arborist to provide input; expressed concerns with the tree causing damage; she supports Councilmember Torres' motion and encouraged Councilmember Gonzalez to vote.

Mayor Sandoval agrees with fellow Councilmember's; stated it was unfortunate that Mr. Irias was given information that was contradictory to the requirements; he commented that the mistake needs to be corrected and expressed the need to provide Mr. Irias with the proper process; noted Mr. Irias did hire a certified arborist whom stated the tree was a danger; Mayor Sandoval accepts that decision and supports that the tree needs to be removed.

**MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER CARRIZOSA,
CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT), to approve a Major
Certificate of Appropriateness request (MAJCOA 6988 2017).**

14. Conduct a Public Hearing to Receive Comments on the Draft Assessment of Fair Housing (AFH)

It was noted there would be no Presentation by Staff for this item, and a consultant was available to answer questions.

Councilmember Carrizosa reviewed the complex document noting the increment of the amount of money that a person can benefit from; inquired about advertising.

Mayor Sandoval recommended reaching out to Bright Prospect to invite college graduates to a social and connect them to resources available through the City.

Neighborhood Servicer Director DeFrank stated she would be happy to work with Council.

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT), to Authorize the City Manager to certify that the Assessment of Fair Housing (AFH) represents the City's assessment of fair housing, as well as fair housing goals and priorities; and, Authorize submittal of the AFH to the U.S. Department of Housing and Urban Development (HUD).

11. Conduct a Public Hearing on the Planning Commission's Denial of Conditional Use Permit (CUP 4607-2016) for a proposed fourteen-unit residential development at 1198-1236 S. San Antonio Ave., and Tentative Tract Map No. 74367 (TTM 4947-2016) which proposes to subdivide two lots totaling approximately 46,550 square feet for residential detached condominium purposes, in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone. Applicant/Appellant, Shahram Tork (Council District: 3)

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 4607-2016) TO DEVELOP 14 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE WITHIN THE R2-S ZONING DISTRICT

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TENTATIVE TRACT MAP (TTM 4947-2016) TO DEVELOP 14 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE WITHIN THE R2-S ZONING DISTRICT

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Brad Johnson, Planning Manager gave a presentation on the item; noted Planning Commission's concerns with density; informed Council that the developer came back with a revised site plan, adding 3 additional parking stalls and 9 of the 14 units reduced to 3 bedroom units; he shared public commentary during the planning commission centered on shade analysis; noted the adjacent property owner submitted their own shade study for the winter months; Zoning code allows a 9 ft setback, which didn't cause re-design or site plan changes therefore staff is pleased.

Councilmember Ontiveros-Cole shared concerns of their tree; inquired if there had been a study regarding the roots.

Brad Johnson replied there had not been a study; noted that he added to the conditions of approval the option to use hand tools.

Councilmember Ontiveros-Cole inquired if the tree that remains will be salvaged or taken down.

Mr. Johnson informed the tree would be removed.

Councilmember Carrizosa inquired if the only conditions related to the tree were to use h

**MOTION BY COUNCILMEMBER ROBLED, SECOND BY COUNCILMEMBER GONZALEZ, to
Open the Public Hearing**

Mary Golbakhsh, Developer for the project, commented about reviewing the General Plan prior to submission; noted submitted modifications to the original plans regarding parking and number of bedrooms and eventually a reduction in the number of units; she commented on the shade study and crime; and encouraged Council to support the development.

Hank Fung, Civil Engineer, supports the project; reviewed the shade analysis, agrees with staff that no additional shade analysis should be required; commented that housing is a human right; stated the project is not denser than the surrounding neighborhood, it is within walking distance of transit, a great environment for people to grow up in, as they can continue gardening, and if the City denies the project, people may have to drive in from other cities, ultimately affecting Climate Change; he urged Council to support project.

Darren T. Navarro opposed the development.

Lindsay Ann Taylor spoke in support of the project, noted benefits of low income housing.

Nathan C.E. Blush spoke in support of the project, noted it would lower crime rate and helps the surrounding area.

Erin W. Griswold commented that the region needs more housing; noted the unaffordability of the area and the potential commute to jobs.

Farnash Noroz Mazardarani, former resident of Pomona, spoke in support of the housing plan; encouraged an approval of the project; and commented on the crime rates in that area.

Sara Katherine Haase shared she has a lot of friends who want to buy homes but they have to move out of state due to cost therefore she supports low income housing; commented on the crime in the area; and noted the garden can coexist.

Delia Hitz, Sierra Madre resident, noted her strong support of farming and the rarity of this

specific type of farm; commented on the urban farming movement, crisis of food to low income areas, the environmental benefit, job creation and the relevance of 2 hours of shade; encouraged the Council not to vote on this item until they visit the farm.

Charles M. Young expressed support for the farm; commented on the impact of the development on the farm; shared proponents of the farm prepared an impact statement for the Planning Commission meeting; noted that without a report he feels there cannot be a determination that there will not be a negative impact on the farm.

Al Villanueva shared his grandfather taught him to value and respect the land; commented that the community garden improves health.

C. Freeman Allen, retired member of chemistry faculty; commented on the organization, Sustainable Claremont; mentioned State Law requiring a reduction in the amount of food waste that goes to landfill; shared he worked collaboratively to develop a plan to reduce food waste in Pomona; encouraged the Council to not do anything that will interfere with the garden.

Aaron Story did not wish to speak but was in opposition to the development.

Lynn Fang , Pomona resident, spoke in support of the garden; encouraged the Council to deny or ask the developer to reduce the height of buildings to one story; shared the garden should be considered a source of pride in the neighborhood; expressed her concerns that the developer has been negligible, stating they demolished a building without obtaining a permit.

Ingrid Gutierrez spoke in support of the garden; commented that she completed the farmer training internship; noted that the garden is beautiful, holistic, ecological, contains ground water, rain water, flowers, and pollinators all benefits; she strongly urged the Council to vote against the project.

Pablo Padilla spoke in opposition of the development; shared he participated in the farmer internship program; encouraged the Council to take time to review the plans and hold the developer accountable; noted the farm is already established and benefitting the City.

Charleen Fay Krueger, registered nurse, spoke in support of the farm; commented she has seen the health of residents get worse; she endorses healthy living and the ability to teach children and the community about the food they grow.

Sylvia Poreao, Orange County, commutes to Pomona three days a week to help at the farm; spoke in favor of the garden; commented about elevating agriculture, people are not valuing agriculture wisdom; noted, her daughter, Mayela Poreao has learned a lot from the farm; shared that the farm has helped her create her own family garden.

Elinor Crescenzi, Pomona resident; expressed that she stands behind the zoning code; expressed concerns about the negative impact of the development on the community.

Sara Tso did not wish to speak but supports garden and opposes the development.

Karen Chapman Lenz, Pomona, commented that she wants to spend the time she has left doing something that helps the world; shared she drives a Prius, doing her part about fossil fuels; encouraged those in attendance to eat local.

Traci Weamer, former farm intern, spoke about confusion regarding zoning codes and the rights of the developer; stated the developer does not have the right to develop their property.

Krysta Wandleboe, Claremont resident, volunteer at the farm, shared she learned a lot about growing food; noted the waste of a building is approximately 8,000 pounds of waste and expressed concerns about toxins used in home building.

Katie Lewis encouraged Council to review zoning for affordable housing because she has concerns that this project does not qualify and read aloud specific zoning code.

Randy Beckendam shared he built the farm five years ago, operated it for 2 years then turned it over to Mr. Kumar who cleared the land of all the debris, planted 30 fruit trees where there was already existing condominiums; noted 18 of those trees died because of the shade; encourages the developer to build one story buildings on that side of the property.

Manju Kumar provided clarification of how the garden runs; noted it is part of Saravadoya farms, its purpose is training and gathering of data on benefits of urban farming; shared that in 6 months they have trained nearly 50 students, including gardeners in the schools of Pomona.

Rishi Kumar, farm owner, spoke in opposition of the project; noted the project negatively impacts the garden in 3 ways; 1) Shade cast by buildings will impact $\frac{3}{4}$ of the farm; 2) pollution from construction; 3) the developer has made no plans to mitigate the roots of a nearly 100 year old project. He stated he is not opposed to development of the property if the developer is able to abide by the previous mentioned items; commented that the garden provides free training, inspires and heals; he encouraged the Council to reject the current proposal.

Arthi Radhakrishnan, 2011 executive director Los Angeles County food policy council; commented the farm is a great example of urban farming providing free educational programs, donations to food pantries and data collection on urban farming; read statement by Clara Fosque, Los Angeles Food Policy Council.

Marco Barrantes spoke on the shade analysis that was conducted at the property; provided the findings that shade would impact growing in the winter months 3 hours in the morning and evening; commented this shows inaccuracy for the shade analysis completed by Torq; presented information on behalf of client, Rishi Kumar.

Reshama S. Damle spoke on behalf of Dr. John and Linda Barkman; shared that when they moved to the property the goal was to build their dream of growing a garden; expressed opposition to the development; stated it is too dense and the developer has not made any contact with them.

Iris Xu provided clarification on the shade; elaborated the significant impact of shade on growth in the existing garden; commented the development would create a loss of afternoon sunlight year-round, rendering the garden unusable.

Andrea Torres, Pomona resident lived two houses down from the farm, spoke in support of the garden; shared she is a professor and counselor at Mt. SAC and Chaffey college highlighting the educational and community opportunities the garden provides.

Cindy Soto expressed concerns that Torq Inc, is unfit to develop this project; stated that there has been no discussion with adjacent neighbors and Torq Inc. demolished a residence with no asbestos abatement; noted they have revised their plan, however, did not make changes based on the concerns of the community.

Carolyn J. Dasher, member of the grow club; read a letter from Ron Finley; shared the garden

has provided her training, ability to host classes and build community; noted the farm is dedicated to data collection utilized in research by future students; noted the garden is unique with its food internship program.

Kimberly Kirner spoke in support of the garden

Valentina Pro-Garcia also represented Raul Garcia, husband, shared that they enjoy the farm and its close knit community; expressed concerns that the development will be detrimental to the garden.

Alexandra Carbone, farm intern; shared the training at the farm assisted in securing her current teaching position as a gardening teacher at three Pomona Unified schools.

Santiago Ozo Noblin, spoke on the benefits of the farm for the people who volunteer; shared the experience is therapeutic and calming; encouraged the Council to listen to the public comment.

Laurette Lavin spoke in support of garden and its perception in the Pomona Community.

Andrew Quinonez -Service Corp Director, Earth Works Farm at El Monte; spoke in support of the farm; shared a model to work with non-profits to reduce negative behaviors in the community; encouraged the Council to make a positive judgment for the farm.

The following individuals did not wish to speak but were in opposition to the project:

Roberta Pearlman
Linda Michon

Developer Mary Golbakhsh responded to public comments; clarified the homes in the project are available to first time home buyers, 0-3% down for those on a tight budget, it is not low income housing; commented on the shade analysis in correlation to the location of the development being north of the garden.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ROBLEDO to Close the Public Hearing.

Councilman Gonzalez commented on the attempts by volunteers and residents to find a compromise; noted that building 3 is the one building directly impacting the farm therefore if it became a one story and the bottom two units would be expanded it would make it a 13 unit development; stated this will maximize their profits and give some concession, however, the change from 14 to 13 units would require the developer to go back to the Planning Commission; he shared it would be ideal if the farm wasn't land locked, as it is already being affected and any further development would continue to affect it; inquired if the farm was a business with a permit who is in compliance, noting educational uses require a Conditional Use Permit.

Brad Johnson responded that the farm is in a zoning grey area, it could be defined as educational or public assembly category, however, still has questions; noted it to be included in the zoning code update.

Councilmember Gonzalez noted that when Mr. Rishi purchased the farm they were informed that the adjacent lot was to be developed for housing.

Councilmember Carrizosa commented that it was nice to see so many emails to save the farm, however, expressed concerns that many proponents were from out of town and presented that

part of Pomona in a negative view - as a food desert, low income, impoverished area, with high crime; noted the Council members reviewed and the crime figures in this portrayal are not correct, as that area has many markets; stated the City does have a housing issue; shared she supports the farm, but also the need for housing, hopes the two can co-exist; shared she visited the farm many times to get an understanding of the shade issue and feels the projects can coexist; building homes equates to property ownership which benefits everyone; she expressed an appreciation to everyone who spoke and stated she will vote in favor of the Developer.

MOTION BY COUNCILMEMBER CARRIZOSA TO APPROVE THE CONDITIONAL USE PERMIT (CUP 4607-2016) AND TENTATIVE TRACT MAP (TTM 49472016) TO ALLOW FOR THE CONSTRUCTION OF AN ATTACHED FOURTEEN UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE

Councilmember Torres shared he is open to some form of middle ground; noted the City has a major homeless issue and this project may help to better that situation; expressed appreciation to those that shared their views and stated he will side with the Developer.

Councilmember Robledo stated Urban Farming needs to be addressed by developing policy; noted the farm is impactful throughout LA County and the city has an amazing resource to promote; commented about the need of a business license; encouraged staff to look at what other cities require, and if the farm requires a permit then the City needs to do its best not to deteriorate their positive momentum; she supports the recommendation Councilmember Gonzalez made and seconded the motion on the floor from Councilmember Carrizosa.

City Attorney Alvarez-Glassman advised to go back to planning to address the problems.

Councilmember Carrizosa noted that Council cannot force someone to add or remove specifics from a project, those decisions are based on land uses or codes.

Mayor Sandoval restated the question: Will this development have an adverse impact on the neighbors and the neighborhood?; he expressed it would be great to have a housing project on that site and stated that he respects the fact that people have different opinions; he noted that Council can require the developer to provide information; shared it is not a black and white issue, but rather an opportunity to build it and take the neighborhood into consideration; reiterated the importance to step back and let the Planning Commission determine an adverse impact.

Councilmember Robledo inquired if Mayor Sandoval would like to see the item come back?

City Attorney Alvarez-Glassman noted it is within the Council's authority to return the matter to staff, so they can speak with the Developer to ascertain if they want to modify the development and present it again.

Councilmember Ontiveros-Cole expressed appreciation for the project educating and bringing people together; inquired if there is a compromise between the community and developer; she concurs with Councilmember Gonzalez regarding the third building; encouraged the developer to speak to the community members and negotiate.

Developer Golbakhsh responded that they have been trying to reach out since 2014, as well as approach Mr. Rishi, all efforts were not welcomed.

Councilmember Ontiveros-Cole spoke in favor of a quality development inclusive of town homes, condominiums; she noted that she is divided as both sides are doing good things for the community.

Developer Golbakhsh elaborated specifics of the building height and the impact to the farm; noted the units proposed will provide ownership and not impact the community; stated she was at the meeting tonight to find out if the Council will allow them to build.

Councilmember Ontiveros-Cole asked if they are open to a 13 unit plan and working the community. Developer Golbakhsh responded that they asked if they could flip the plan to have the open space and common area on the other side of the property in an attempt to compromise; stated the change was submitted to planning three weeks ago.

Brad Johnson noted the city has not received a formal option B, however, there was a meeting with the Developer, and their architect did a design but there was not a specific plan submitted.

Developer Golbakhsh responded their plan to do is what the City is asking.

Councilmember Ontiveros-Cole encouraged harmony and agreement; called upon Mr. Kumar to come to some type of agreement that makes it possible for residents to become gardeners.

Mr. Kumar responded that he would gladly meet with the Developer; clarifying the issue is with the shade not the development; shared past interactions with the developer; confirmed he knew about the development when he took over in 2014; reiterated the impact of the shade of the development as proposed.

Councilmember Ontiveros-Cole inquired if Mr. Kumar would like to know more about flipping of the plan.

Developer Golbakhsh stated they were hoping to get an answer tonight but will give it another chance.

Mayor Sandoval shared he cannot support the project as it is currently configured because of new information; inquired into the willingness of Mr. Kumar and the Developer to sit down and arrive at an answer.

Mr. Kumar stated he is willing to meet although he is going to be gone all of July because he is getting married.

Councilmember Torres inquired if staff would be available to arbitrate an agreement.

Developer Golbakhsh responded that it is not economically feasible to drop down to one floor, but it does make sense to flip the location of the common area.

Mayor Sandoval stated a meeting would be a valuable opportunity to make revisions that are beneficial to both the developer and the farm and address some of the issues presented by the Planning Commission; noted it's a good project, however, he does not support it as currently configured; he inquired about the adverse impact on what he would call a "community treasure"; complimented the garden's strong sense of community, expressing that fundamentally it is about people being able to come together; Mayor Sandoval feels the developer has an opportunity to create a project that is forward thinking by incorporating the community garden .

Councilmember Carrizosa asked Brad Johnson if flipping the plan would mediate the concerns of the community and at the same time make the project feasible.

Brad Johnson responded the flip would have less of a shadow effect on the farm.

COUNCILMEMBER CARRIZOSA REQUESTED TO REMOVE HER INITIAL MOTION, AND MADE A SUBSEQUENT MOTION DIRECTING THE DEVELOPER AND MR. KUMAR TO COMMUNICATE DIRECTLY WITH CITY HALL, PLANNING DEPARTMENT, THE MAYOR AND COUNCIL MEMBERS, SECOND BY COUNCILMEMBER ROBLEDO.

City Attorney Alvarez-Glassman noted that a motion was necessary to reopen the public hearing.

Mayor Sandoval inquired and Mr. Kumar responded that he was leaving July 1st and returning home on July 30th

City Attorney Alvarez-Glassman advised a meeting was to take place between now and the end of the month to allow staff the opportunity to prepare the reports to be heard on August 7th.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA to reopen the public hearing and continue the item to August 7th, CARRIED 6-0-0-1 (VICE MAYOR ESCOBAR WAS ABSENT)

City Manager Lowry stated scheduling of the meeting with the Developer and Mr. Kumar should be done in the next 48 hours, taking place at the City.

This item was continued to the August 7, 2017 City Council meeting.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Mayor Sandoval shared that he and Councilmember Ontiveros Cole will be hosting Coffee with Mayor and Council Woman on June 28th at 6:30 p.m. at Carl's Jr.; invited anyone with time tomorrow morning to join a litter pickup around the Council area.

Councilmember Carrizosa stated that Renacimiento Community Center has been closed for too long, 2 months; inquired if the Council could help expedite the opening; noted there are close to 400 kids in the area; requested to use discretionary funds to provide the kids in that area with a ticket to go swimming.

MOTION BY COUNCILMEMBER CARRIZOSA to provide tickets for the kids in the particular area to attend the swimming pool, SECOND BY MAYOR, 6-0-0-1 (COUNCILMEMBER ESCOBAR WAS ABSENT)

RECESS INTO CLOSED SESSION

The City Council recessed into Closed Session to resume discussions of items on the Closed Session agenda at 11:59 PM.

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION DISCUSSIONS

Councilmembers Torres, Robledo, Ontiveros-Cole, Carrizosa, Gonzalez and Mayor Sandoval were present for the discussion of items A-2, B-2, C, D-3, D-4, and the item added to the agenda regarding City of Pomona v. Auto Lodge.

Item A-2: Direction was provided to the Office of the City Attorney and there was no reportable action taken.

Item B-2: A briefing was provided, direction was provided to staff, and there was no reportable action was taken.

Item C: A briefing was provided regarding labor negotiations, direction was provided to staff, and no reportable action was taken.

Item D-3: A briefing was provided regarding 1420 S. Garey Avenue, direction was provided to staff, and no reportable action was taken.

Item D-4: A briefing was provided regarding 1390 E. Mission, direction was provided to staff, and no reportable action was taken.

ADJOURNMENT

The City Council meeting was adjourned at 1:35 AM on June 20, 2017.

The next Regular Meeting will be held on Monday, July 10, 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:

EVA M. BUICE, MMC
City Clerk/Secretary of the Pomona
Housing Authority/Successor Agency to the
Redevelopment Agency

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