



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, July 10, 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))

B Legal, Inc., et al. v. City of Pomona, et al.
Citizens for Amending Prop L v. City of Pomona
Singleton v. City of Pomona

- B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

One matter regarding litigation to be initiated will be discussed (Pursuant to Government Code Section 54956.9 (d)(4))

- 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. PUBLIC EMPLOYEE EVALUATION (Pursuant to Government Code Section 54957(b)(1))

City Attorney
City Clerk
City Manager

E. 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/
City's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

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

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

Present at the beginning of the meeting were Council Members Ontiveros-Cole, Escobar, Torres, and Mayor Sandoval.

Councilmembers Gonzalez and Carrizosa arrived at 5:49 PM.

Councilmember Robledo participated via teleconference from London at 6:10 PM.

Item A-1: This item was discussed, 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: This item was discussed, there was no final action taken, and there is nothing further to report.

Item B: This item was discussed; the City Council authorized proceeding litigation against the party; given the nature of the case the City is not at liberty to identify the party as it may affect service of process.

Assistant City Attorney Jared informed that Items C, D, and E were not discussed; the City Council would be reconvening into Closed Session at the conclusion of Open Session time permitting to discuss the remaining items.

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

7:00 P.M.

CALL TO ORDER

The City Council meeting was called to order at 7:00 PM.

ROLL CALL

Councilmember Robledo joined the meeting via teleconference at 7:36 PM.

Present: 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, MMC, City Clerk
Genoveva Rocha, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Mayor Sandoval led the Pledge of Allegiance to the Flag.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Vice Mayor Escobar and Mayor Sandoval reported on their attendance at the Advanced Leadership Conference in Monterey, California.

Councilmember Ontiveros Cole spoke on fireworks; shared that "Coffee with the Mayor" was very productive and they were able to address resident's concerns; commented on the Police Ceremony and additional mile per hour signage.

Councilmember Gonzalez reported on his attendance at the school board meeting; thanked colleagues for 4th of July citations given and the ordinance against fireworks; suggested reconsidering the Chamber of Commerce installation; attended promotion of police officers, summer event at Cesar Chavez park; the San Gabriel Valley Conservation Corps graduation,

Movies in the Parks, Pomona Unified School District films at the Village, City of Pomona and Day 1 Co-sponsored films, Pomona Concert Band, and Foothill Gold Line to receive an update on the tracks.

Councilmember Carrizosa spoke on the negative impact of fireworks on the community; shared concerns about the sale of Fireworks within Pomona and commented on the posting of signs; suggested there is a need for a new strategy regarding fireworks next year.

Councilmember Torres shared he recently saw the Conservation Corps out clearing brush; acknowledged Pomona Police Department and San Bernardino A.B. 109 Task Force for cracking down on drugs and firearms; acknowledged park utilization for community events.

Mayor Sandoval commended Councilmembers Ontiveros-Cole and Gonzalez for their efforts in encouraging residents to comply with the law; attended and emceed the Pomona Band Concert; thanked Councilmembers Carrizosa and Ontiveros-Cole for participating in "Coffee with the Mayor and a Councilmember"; commended the Planning Department, Public Works, Community Services and residents for working together to keep the Council informed of community issues and activity; invited everyone to attend a clean-up at Mills and Holt Blvd. tomorrow from 8:00-10:30 a.m.; asked City Manager Lowry to include Pomona Beautiful efforts on the next council meeting agenda; offered condolences and asked for a moment of silence in memory of Dwayne Kaiser, owner of the Magic Door Bookstore.

CITY MANAGER COMMUNICATIONS

City Manager Lowry requested that the City Council make a minor change to the agenda and move Item No. 10 from the Consent Calendar to the Discussion Calendar because of the way it was presented on the agenda; she informed that Staff would be able to make a presentation.

Councilmember Carrizosa informed that she had planned to pull Item No. 10 for discussion.

Councilmember Robledo connected telephonically at 7:35 p.m.

City Manager Lowry then introduced Steve Samuelian of California Consulting to speak to the City Council about their grant writing services.

Steve Samuelian commended City Manager Lowry's work and gave the City Council a brief presentation on the grant writing services that his company provides; he informed that they focus solely on grant writing and maximizing opportunities for their clients.

PUBLIC PARTICIPATION

Mayor Sandoval requested and Council agreed to a 2 minute time limit due to the number of speakers.

Douglas C. Pierce, mentioned Deputy City Attorney Richard Lam and requested to sit down with a council member to have a discussion regarding him.

Leonard Leroy Larsen, spoke on youth outreach, Planned Parenthood; expressed anti-- abortion/pro-life views.

Cedruc Ebiner spoke about illegal dumping and bulky item pick up; expressed concerns about the collection system and the need to make streets more attractive; Mayor Sandoval referred Mr. Ebiner to Public Works Director McWade.

Councilmember Ontiveros Cole responded to Mr. Ebiner that if a resident doesn't see an item picked up within 48 hours, call again; noted every resident has two free pickups a year and after that it is \$25.

Mr. Ebiner shared the City is very efficient with graffiti, however, not bulky items; stated he called today.

Tom George Smith, pastor of central Baptist Church, spoke on Planned Parenthood; expressed anti-abortion/pro-life views.

Denise L. Smith, shared her community youth outreach experiences; expressed anti-abortion/pro-life views; requested a Crisis Pregnancy Center stating they have a focus on adoption.

Tim Adams, Sr., spoke on Planned Parenthood and requested that the Council consider an ordinance that prohibits abortion in Pomona.

Tim Adams Jr., spoke on abortion and Planned Parenthood; requested the Council do something to prohibit Planned Parenthood's practices in Pomona.

Patty C. Alvarez, spoke on abortion and Planned Parenthood; expressed concerns with their practices and asked the Council to uphold the Mission Statement of the City in correlation with the acceptance of money from Planned Parenthood.

Mickey Gallivan, shared concerns about the illegal removal of a tree at Spadra cemetery, discovered on April 11, 2017; noted the cemetery is owned by the Historical Society; requested that the tree removal be placed on the Historical Planning Commission agenda; and asked Council to inquire about the removal and restoration.

Debora Lyn Ferguson, thanked the Council for their service to the City; expressed concerns about un-level sidewalks on Dudley; shared photos of brand new un-level sidewalk outside of her home; noted a July 11, 2017 tree removal in which the sidewalk was never repaired.

Randy Beckendam, invited the Council to an Open house at Amy's Farm for his Birthday on July 23rd; spoke about backyard chickens and rabbits as a source of food; commented on students who participate in 4H.

Jorge Grajeda, thanked Mayor Sandoval and Vice Mayor Escobar for meeting at District 5, it showed appreciation for members of community; thanked the Council.

John Abon, retired engineer, expressed concerns about the fairness of housing inspections and specific citations issued at his property for cars parked on the lawn; Mayor Sandoval referred Mr. Abon to Development Services Director Lazzaretto.

Elinor Crescenzi spoke on weekly lunches hosted in her backyard farm; noted the educational opportunity for the community to learn how to grow quality food, compost, and basic practices of organic farming to make organic foods accessible in the community.

Michelle Brydenthall, expressed gratitude for work put forth regarding the homeless community; spoke on abortion and Planned Parenthood; requested the Council enforce city codes to prohibit Planned Parenthood from operating within Pomona.

Sonia Mir, spoke on the impact of abortion; noted there are 5 other women care centers in Pomona.

Cynthia Marino, spoke on the issue of homelessness in Pomona; expressed concerns of the development of a new tent city and panhandlers outside stores; requested more information from the Council about Phillips Ranch landscaping.

Mayor Sandoval requested an update on the landscape be provided at the next council meeting

Yesenia Arias, Community Relations Manager for Gold Line Authority, shared the ground breaking ceremony will be held October 21, 2017; noted that in anticipation of groundbreaking they will be hosting community meetings, have posted 3D renderings and other notices with more information.

CONSENT CALENDAR

Approval of the Consent Agenda

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7-0, to approve the Consent Calendar with Items Nos. 1, 4, 9, and 10 being pulled for discussion.

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

1. Adoption of a Resolution of Intent Re-Setting the Consolidated Citywide Street Lighting and Landscaping Maintenance District Public Hearing Date Regarding Annexation of Additional Territory and the Levy of Annual Assessments to August 7, 2017

RESOLUTION NO. 2017-

A RESOLUTION OF INTENTION 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 RE-SETTING THE DATE TO AUGUST 7, 2017 FOR THE PUBLIC HEARING ON THE MATTER

This item was pulled for discussion.

2. The City Council approved a Second Amendment to a Sole Source Professional Services Agreement with Urban Crossroads, Inc. in the Amount of \$24,000 for Consultant Specialty Traffic Review Services Related to the Metro Gold Line

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7 0.

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

3. The City Council adopted a Resolution Approving Tract Map TM 73135 for the Property Located at 855 E. Phillips Boulevard, Pomona, CA, Assessor Parcel Number 8333-028-031, Related to the Subdivision for the Barcelona Association Project - 36 Condominium Units (Council District 3)

RESOLUTION NO. 2017-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TRACT MAP TM 73135 FOR THE PROPERTY LOCATED AT 855 E. PHILLIPS BOULEVARD

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7 0.

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

4. The City Council adopted a Resolution Approving a Purchase & Sale Agreement with Optimax Irrevocable Trust I and Private Eq. Irrevocable Trust II for the sale of Successor Agency Property known as Mission Promenade - 101 West Mission Boulevard in Pomona, California (APN's 8341-008-912, 913, 914 & 915) - Council District 1

RESOLUTION NO. SA 2017 -

A RESOLUTION OF THE CITY COUNCIL, SITTING AS THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF POMONA, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT FOR THE PROPERTY KNOWN AS MISSION PROMENADE - 101 WEST MISSION BOULEVARD IN POMONA, CALIFORNIA, (APN'S 8341-008-912, 913, 914 & 915) - TO OPTIMAX IRREVOCABLE TRUST I AND PRIVATE EQ. IRREVOCABLE TRUST II, FOR THE PURCHASE PRICE OF \$6,000,000

This item was pulled for discussion.

5. Adoption of a Resolution Approving Agreements with Cal-Trans for Reimbursement of City Costs Related to "Major Street Rehabilitation - Citywide (FY 13-14 to FY 15-16)," Project No. 428-2590-XXXXX-68548, and Award of a Construction Contract in the Amount of \$2,750,939 to Gentry Brothers, Inc. for Active Transportation Plan Improvements

RESOLUTION NO. 2017-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE ADMINISTERING AGENCY-STATE PROGRAM SUPPLEMENT AGREEMENT NO. 018-F (ALSO KNOWN AS F018) AND A REPLACEMENT MASTER AGREEMENT BETWEEN CALTRANS AND THE CITY OF POMONA FOR FEDERAL AND STATE FUNDED PROJECTS FOR REIMBURSEMENT OF CITY COSTS BY CALTRANS FOR "MAJOR STREET REHABILITATION - CITYWIDE (FY 13-14 TO FY 15-16)," PROJECT NO. 428-2590-XXXXX-68548 (ALSO KNOWN AS CALTRANS PROJECT: PRIORITY IMPLEMENTATION FOR DOWNTOWN BICYCLE AND PEDESTRIAN IMPROVEMENTS; PROJECT NO. ATPL-5070 (032) (ATP01-07-127S) LA0G1135); AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ADMINISTERING AGENCY-STATE PROGRAM SUPPLEMENT AGREEMENT NO. 018-F, REPLACEMENT MASTER AGREEMENT AND ALL SUBSEQUENT MODIFICATIONS TO SAID AGREEMENT ON BEHALF OF THE CITY

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7 0.

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

6. Second Reading and Adoption of an Ordinance approving Specific Plan Amendment (SPA 6115-2016) to apply Urban Neighborhood Expansion Zone regulations to a property located at 203 Myrtle Street, that is within the Urban Neighborhood Expansion Zone, but is not contiguous with a property within the Pomona Corridor Specific Plan (PCSP) Area

ORDINANCE NO. 4235

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT (SPA 6115-2016) TO APPLY URBAN NEIGHBORHOOD EXPANSION ZONE REGULATIONS 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 FOR PROPERTY LOCATED AT 203 MYRTLE STREET

This item was pulled for discussion.

7. Adopt a Resolution Approving the Annual Report for the Downtown Pomona, Property and Business Improvement District (PBID) and Levying the Assessments for Fiscal Year 2017-2018

RESOLUTION NO. 2017 -104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE ANNUAL REPORT SUBMITTED BY THE DOWNTOWN POMONA OWNERS' ASSOCIATION FOR THE DOWNTOWN POMONA PROPERTY AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2017-2018 AND LEVYING THE ASSESSMENTS FOR FY 2017-2018

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7 0.

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

8. Approve the Purchasing Maintenance and Hardware Supplies from Home Depot, under a Cooperative Agreement through U. S. Communities. Expenditures under this agreement are limited annually by each department's budgeted appropriations

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7 0.

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

9. Second Reading and Adoption 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. 4236

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

This item was pulled for discussion.

10. Adoption of a Finding of Public Convenience or Necessity (PCN) related to Conditional Use Permit (CUP 7445-2017) to allow the sale of beer and wine for off-site consumption at a proposed new gas station located at 805 Rio Rancho Road within a shopping center located in the C-4 (Highway Commercial) zoning district

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE SALE OF BEER AND WINE (ABC LICENSE TYPE 20) FOR OFF SITE CONSUMPTION AT A PROPOSED GAS STATION AND CONVENIENCE STORE ON A PROPERTY LOCATED AT 805 RIO RANCHO ROAD

OR

RESOLUTION NO. 2017 - 105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DENYING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE SALE OF BEER AND WINE (ABC LICENSE TYPE 20) FOR OFF SITE CONSUMPTION AT A PROPOSED GAS STATION AND CONVENIENCE STORE ON A PROPERTY LOCATED AT 805 RIO RANCHO ROAD

This item was pulled for discussion.

11. Approve a Sole Source Agreement with Ledgent Staffing Co. for Project Manager Services relating to CIP project #71048 "Financial Software Project" and increase of Purchase Order 101936 by \$75,000

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7 0.

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

ITEMS PULLED FOR DISCUSSION

1. Adoption of a Resolution of Intent Re-Setting the Consolidated Citywide Street Lighting and Landscaping Maintenance District Public Hearing Date Regarding Annexation of Additional Territory and the Levy of Annual Assessments to August 7, 2017

RESOLUTION NO. 2017-101

A RESOLUTION OF INTENTION 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 RE-SETTING THE DATE TO AUGUST 7, 2017 FOR THE PUBLIC HEARING ON THE MATTER

Andrea Edwards, resident District 1, expressed her full support of this item; however questioned if the Conservation Corps and Americorp could work more in the District 1 area?

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7 0.

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

9. Second Reading and Adoption 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. 4236

**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**

James Gallivan, resident, spoke about complicated solutions being overturned, absenteeism, and the commitment of people attending meetings; suggested a process of being excused for meetings such as a matrix.

Mayor Sandoval asked Assistant Attorney Jared to explain further; noted that the Charter prevails, and the Council has asked the City Attorney to review other sections.

Assistant City Attorney Jared spoke on the 2nd reading of the ordinance to repeal a more stringent removal. The charter states the commissioners can be removed by a simple majority, whereas the code says a super majority; identified a simple majority and if Council wants final adoption tonight, there is the impression that the charter trumps the city code.

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

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

4. The City Council adopted a Resolution Approving a Purchase & Sale Agreement with Optimax Irrevocable Trust I and Private Eq. Irrevocable Trust II for the sale of Successor Agency Property known as Mission Promenade - 101 West Mission Boulevard in Pomona, California (APN's 8341-008-912, 913, 914 & 915) - Council District 1

RESOLUTION NO. SA 2017-4

**A RESOLUTION OF THE CITY COUNCIL, SITTING AS THE SUCCESSOR AGENCY TO
THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF POMONA,
CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT FOR THE
PROPERTY KNOWN AS MISSION PROMENADE - 101 WEST MISSION BOULEVARD
IN POMONA, CALIFORNIA, (APN'S 8341-008-912, 913, 914 & 915) - TO OPTIMAX
IRREVOCABLE TRUST I AND PRIVATE EQ. IRREVOCABLE TRUST II, FOR THE
PURCHASE PRICE OF \$6,000,000**

Councilmember Carrizosa asked Assistant City Attorney Jared for clarification regarding the order of discussion and motions.

Assistant City Attorney Jared responded that traditionally there is discussion and then a motion, but that there is nothing that says you cannot call for a motion immediately. Practice has been to have the person who pulled the item, open the discussion and then call for a motion, second and then argument and discussion on that item.

Councilmember Carrizosa encouraged the Council to continue with the traditional way to avoid confusion.

Councilmember Torres requested a staff presentation; noted that a decision of this magnitude should be discussed in public so the people can see where the Council is spending and how they are accountable for their tax dollars.

Economic Development Director Pelser gave a presentation on this item; shared it is a Successor Agency property that the City is required to dispose of expeditiously and at not less than fair market value; stated the City moved forward with this offer for \$6,000,000 which exceeds the appraised value of \$4,500,000; noted the Successor Agency does not own all the land, only the first floor and second floor of the property and that the proposed buyer is the same buyer who bought the bank property at the corner of Main and Mission.

In response to Councilmember Torres' inquiry about the amount of money that has been into the property, Director Pelser responded that over the years through initial investment and construction this project totals upwards of \$13,000,000 of Redevelopment money; noted that Redevelopment money is public money, a portion of tax money.

Councilmember Carrizosa asked for clarification about the \$6,000,000 that has been offered and if the money will come to the City of Pomona.

Director Pelser provided clarification; shared that the \$6,000,000 should qualify to be treated as original non-taxable bond proceeds; explained the process includes a separate action, approval and analysis by the Oversight Board and the State Department of Finance; noted it to be a similar process that they went through with the Garey Village property; he was hopeful the sale proceeds would come back to the Council to make programming decisions to spend the money consistent with the underlying bond documents for public infrastructure projects.

Director Pelser responded to Councilmember Carrizosa inquiry about sale proceeds coming back to the City and explained that the normal procedure when selling a successor agency property is to distribute the payment across all taxing agencies and the City's General Fund will get 23 percent, however, Staff and legal counsel believe that the state will allow an exception because the investment was made from non-- taxable IRS funds.

Councilmember Carrizosa inquired if Director Pelser could go to the Oversight Board, before the Council makes the final decision to sell the property; asked for clarification about the payment of the 5 percent sales commission and if it would come from the 23 percent. Director Pelser responded that the process is setup so the Successor Agency must make the first decision, then that decision goes to the Oversight Board; and noted the Council can appeal the state's decision.

Councilmember Carrizosa inquired if there would be any harm in asking the question of the Oversight Board. Director Onyx Jones clarified that legal counsel has advised if the City receives the 23%, there will be tax penalties; however, it is extremely likely that the Director of Finance will receive the staff report request with IRS guidelines and allow the City to reprogram the full amount of money as bond proceeds, otherwise the City will be out of compliance with and legal counsel would need to step in.

In response to Councilmember Ontiveros-Cole's inquiry regarding deadlines, Director Pelser replied that the State intends to regionalize the Oversight Boards, there will be 5 mega regional boards for Los Angeles County and there is no known date; reiterated that as a Successor Agency property it must sell as expeditiously as possible.

Councilmember Ontiveros-Cole expressed concern in the \$13,000,000 investment; inquired into the reasoning of a singular offer; asked if it was to avoid any type of problems between property owners, as the person who has made that offer would be getting the whole block; shared her viewpoint that the focus should be about getting as much money as we can rather than landlord issues. Director Pelser replied that was he was following the direction provided by Council.

Assistant City Attorney Jared spoke on the issue sharing that there was an opportunity to not become the Successor Agency, however, Pomona chose to do so to maintain control at the local level; noted that Council does not have to go with highest bid but rather can decide to go with the fiscally responsible bid; noted this sale is only for portions of the property and the \$13,000,000 was for the entirety of the site.

Councilmember Ontiveros-Cole expressed her concerns; shared that she understands that Council was aware of \$6,000,000, however, it seems like the City should be getting more; noted the June 30, 2018 deadline allows for more time to negotiate other bids.

Mayor Sandoval appreciated the concerns some of his colleagues have mentioned; noted that this particular property is an important part of the development of Pomona; shared that the \$6,000,000 counter offer was made at the recommendation of Council, knowing there was a strong possibility that the business owner would say no, however, he said yes because he owns other properties in the building, for which parking is an issue; mentioned the uncertainty of the real estate market and the positive aspects of a single owner for the City; shared he respects his colleagues concern, however, there are wins and losses doesn't mean everything will be a loss; noted the Department of Finance does not allow for new leases to be signed with the city as the owner and until the property is sold this means less revenue for the City; feels this decision sends an important message to the community, that the City has a fair process.

Director Pelser spoke in support of Mayor Sandoval comments by confirming that although there is currently a viable tenant that wants to sign a lease the State's Department of Finance will not allow that to happen.

Councilmember Robledo provided history; noted Council decided to move on, provided staff direction to counter bid; spoke about the development of the lots being held back, shared one owner will enable property to become fruitful and successful, and noted it is a great offer.

Councilmember Carrizosa understands the frustration of her colleagues; asked if there were any specific projects in mind for the proceeds and if a parking structure is being considered by the new potential owner.

Director Pelser replied that there has been no discussion about future projects, however, he believes that the sale proceeds can be treated as the original bond proceeds so they could be used for street infrastructure or other improvements, a decision the Council would make.

Councilmember Carrizosa stated that any need for parking should be fulfilled by the property owner; expressed her view that if we get money, it would go into projects that benefit the citizens of Pomona, not a private company; asked to put this on hold for a few more weeks to ask for more clarity on the issue from the State Department of Finance.

Director Jones shared that she is not sure if the State's Department of Finance will give an opinion, and, if they do the City cannot bind them to an opinion.

Assistant City Attorney Jared shared that it can be difficult to get answers from the State and that he has never heard of them giving an advisory opinion; he doubts the State Department of Finance would give an opinion on the amount until it is an action before them; clarified that the proceeds would go to projects that Council decides consistent with bond documents..

City Manager Lowry noted that similar to the process for the South Garey projects, this property would have to be qualified in the RDA project areas, needs to be public improvements, no economic deals with private entities; she could provide a list of potential projects for discussion; and requested to see the special counsel's report on bond proceeds to validate that the \$13,000,000 was all from non-taxable proceeds.

Councilmember Torres stated this is this is one of the biggest decisions affecting the downtown area; provided background on the project and expressed concerns over the loss of money and honesty with the people; agreed with Councilmembers Carrizosa and Ontiveros-Cole for asking questions and pushing for transparency; recommended not voting for this item, stating there is a need to open this up for more bids and understand what the developer has planned.

Mayor Sandoval replied to Councilmember Torres stating that to suggest that staff is not being transparent is unacceptable; noted that there is a professional person who evaluates that property and decides its value; expressed that the integrity of this body is important, reiterating that it was the Council who asked this particular developer to buy this property for \$6 million; mentioned trust issues and concerns about use of the property for a parking structure; shared that any use of the proceeds from this sale would be decided upon in the future; expressed his view that we all get things wrong sometimes, and we have losses but that doesn't mean everything is a loss.

Councilmember Ontiveros-Cole responded she would have grabbed the property herself for \$6,000,000; expressed concerns about the best way to handle business in Pomona and that fact that she doesn't see the benefit of having the same property owners for one side of the block; stated the need to get as much as possible for this corner, as it is a prime location, and noted it is unfortunate that the City can't hold on longer for the right owner.

Councilmember Carrizosa commented about previous discussions about parking between two properties in which Mayor Sandoval was a part of.

Mayor Sandoval responded that parking may have been discussed; however, that was never the intention of the Council.

City Manager Lowry stressed the need be sensitive to the comments about staff's transparency; noted that in fiscal impact section she will include all information we have about how we acquired the property and account for every dollar so there is no question about what has happened with the money in the past.

Mayor Sandoval spoke about difficult decisions, learning a lot and not always being in agreement.

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 4-3, to approve the Purchase and Sale Agreement with Optimax Irrevocable Trust I and Private Eq. Irrevocable Trust II for the Sale of the Successor Agency Property known as Mission Promenade 101 West Mission Boulevard.

Aye: 4 - Sandoval, Gonzalez, Robledo and Escobar

Nay: 3 - Carrizosa, Ontiveros-Cole and Torres

6. Second Reading and Adoption of an Ordinance approving Specific Plan Amendment (SPA 6115-2016) to apply Urban Neighborhood Expansion Zone regulations to a property located at 203 Myrtle Street, that is within the Urban Neighborhood Expansion Zone, but is not contiguous with a property within the Pomona Corridor Specific Plan (PCSP) Area

ORDINANCE NO. 4235

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT (SPA 6115-2016) TO APPLY URBAN NEIGHBORHOOD EXPANSION ZONE REGULATIONS 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 FOR PROPERTY LOCATED AT 203 MYRTLE STREET

Councilmember Ontiveros-Cole left the dais at 9:32 p.m.

Councilmember Carrizosa stated her opposition to expanding the zone; expressing concerns that it will be applied to every project within the city.

Councilmember Gonzalez concurs with Councilmember Carrizosa; inquired if the expansion is per project or would any project that is not contiguous be automatically grandfathered in.

Brad Johnson, Planning Manager, commented that the Corridor Specific Plan has very precise expansion zone areas; noted projects will go to Planning Commission and City Council on a case by case basis.

Councilmember Ontiveros-Cole returned to the dais at 9.34 p.m.

Councilmember Gonzalez spoke on the caliber of this project and agreed reviewing them on a case by case basis.

Councilmember Carrizosa shared a past conversation with the City Attorney about setting a precedent and the difficulty to deny.

Assistant City Attorney Jared clarified that if there is a similarly situated project in a similar area they would have a hard time denying it, however, each application is evaluated on its own; noted he is not suggesting that just because someone comes and asks for an expansion, that the Council could not deny one and approve another.

Mayor Sandoval spoke to the developers and shared that they have an opportunity to do something different, be a catalyst for change, and asked them to think about what the property does for the community and what they can do for the kids living in that complex.

Councilmember Ontiveros-Cole shared she is not against the project, but rather working hard on another project on the Corridor Specific Plan; expressed concerns about extending this project and the process of being able to get some things done but not others.

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 5-2.

Aye: 5 - Sandoval, Gonzalez, Robledo, Escobar and Torres

Nay: 2 - Carrizosa and Ontiveros-Cole

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to reorganize the agenda and discuss Item No. 12 before Item No. 10.

DISCUSSION CALENDAR

- 12.** 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

Director McWade gave a brief presentation on this item.

- Alternative 1- Remove from Construction Contract
 - Doesn't get built or must be moved it to another location outside of Phillips Ranch; costs to reimburse.
- Alternative 2 - Reduce in size closer to Village Loop Drive
 - Minimizes the impact to the soccer fields; stays within budget; believes that LA County would extend the grant deadline; would delay the project.
- Alternative 3 - Reduce in size, move to western side of the park
 - Additional costs, utility moving, major re-design and more cost.
- Alternative 4 - Reduce in size, at current proposed location
 - Allows forward movement.
- Alternative 5 - Build as originally designed
 - Results in the least impact.

MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO TO APPROVE OPTION 5

Vice Mayor Escobar asked Assistant City Attorney Jared to clarify Roberts Rules regarding Motions for Reconsideration to explain how this item was approved four months ago and how an item comes back to the Council.

Assistant City Attorney Jared responded that according to Roberts Rules, a Motion for Reconsideration Rule states that someone on the winning side of the motion can request, at the same meeting, to reconsider the same vote. He also shared it is his understanding that the contractor is amendable to changing his contract.

Vice Mayor Escobar spoke on the history of the item, noting it was introduced in February 2013, discussed at 15 public City Council meetings and approved by a unanimous vote; inquired why is it being reconsidered and where the \$43,392 would be coming from for Option 1-A; noted cost from the grant is \$33,838 of the \$70,000 grant.

Director McWade replied that funding would come from the General fund; relocation would be allowed to continue on.

Vice Mayor Escobar clarified that Option 1, column A & B is approximately \$78,000 in cost and inquired if any of the 6 approved projects funded by the \$500K grant would be affected by this Option.

Director McWade shared that preliminary discussions with the County indicate no loss; the County would give an extension to the contract and allow the City to move that \$70,000 in grant funding to another project.

Vice Mayor Escobar inquired where the \$17,000 for Option 2 would be coming from.

Director McWade responded it would be absorbed in the project costs because it's a redesign of the project itself.

Vice Mayor Escobar inquired about the cost of grading of the area and where the money for Option 3 would come from.

Director McWade replied Option 3 would be \$60,000 more and it would come from the Park savings; noted there is funding available in park savings.

Vice Mayor Escobar inquired about the proposed size of the field for Option 4, cost \$5,000; noted the entire park is approximate 5.5 acres, but the actual field is 2.32 acres which equates to 101,059 square feet (walk & play on); requested that Mr. Andrade answer questions about soccer field size requirements.

Mr. Andrade stated that fields range from 110 feet to about 85 feet for smaller fields, 225 feet; can't fit a full size field in this location; noted most fields will fit without a dog park is 3 fields (u6, u8, u10), no u12; voiced option #2 is dangerous as people on the end fields will have their backs to the other fields and increased chance of soccer balls hitting them in the head, increasing liability.

Vice Mayor Escobar shared that she has been working on this project for over 5 years; commented that the fencing for the proposed park is higher than most parks at 6 feet in height versus the usual 3-4 feet high; stated that she is not anti-community, anti-children, or anti-sports, and she feels there is no merit in having this item on the agenda again as it has been on the agenda 15 times in the last 5 years and approved by this board 6 times in the last year with the last approval in March 2017. There has never been any malicious intent; this is a park that needs repair and is going to get the care it needs.

Mayor Sandoval proposed to table the motion and allow for public comment.

Councilmember Carrizosa asked for the sizes of the alternatives to be repeated; noted reductions are approximately 25% of each.

Director McWade stated the following:

Alternative 2: reduction of 17,000 square feet, 4/10th of an acre (closer to Village Loop)

Alternative 3: moving the project to the west side; 17,400 square feet, 4/5 of an acre

Alternative 4: at current location, reduced in size to 19,800 square feet, 4/5th of an acre

Alternative 5 - build as originally designed; 21,357 square feet

The following individuals submitted a speaker card in opposition to the Dog Park, but did not wish to speak.

Sharon M. Lustro

Natasha Von Rathjen

Maria Arredondo

Schmidt

Scott Ray Ayers

Judy Wamsgans

Regina M. Berman - opposes location only

Kaylin Michele Murray

John E. Cook

Gail C. Cook

The following individual submitted a speaker card in support of the Dog Park, but did not wish to speak.

Zaida Valdez – support

James Martinez, spoke in opposition; expressed concerns about increased traffic and parking, the location being by a school, dog hygiene issues, coyote problems and potential fire hazards; noted that a majority of residents he spoke with do not want this dog park and he does not want to have a parking sticker.

Steve Lustro, spoke in opposition; stated the dog park will create parking issues and that there are more pertinent issues that the grant money could be used for; expressed concerns over an

absence of transparency; requested to present a petition to the city clerk containing 870 signatures of people opposed to the dog park.

Brian Mundy, spoke in opposition; thanked Council for the opportunity to voice their opinion; expressed concerns over transparency, communication of details of the project and the timing of posting council meeting agendas, Thursdays for a Monday Meeting.

Bo Jimenez, spoke in opposition; collected signatures for the petition; expressed concerns about barbecuing near a dog park, limited parking; requested Council to

Shafah Grewal, spoke in opposition; expressed concerns for the safety of the dogs; mentioned illegal dumping of dogs and the lack of animal control assistance; stated the addition of this dog park would increase the number of stray dogs in the area.

Cynthia Marino, spoke in opposition of the location of the park not the park itself; suggested Old Pomona Road as a better location.

Roberta Pearlman, Pomona resident, spoke in opposition; expressed concerns for the impact on our youth programs and the location being too close to Decker Elementary school; shared statistics about dog bites and school aged children; urged Council to reconsider the size and location of the dog park.

Kimberly Ellen Ayers, spoke in opposition; collected petition signatures; concerns over the location near the school, sharing parental concerns; suggested the location at Old Pomona Road.

The following individuals were not present to speak and were in opposition of the Dog Park:

Laura Mundy
Ryan K. Sharif
Cristela Rosales
Estela Rosales
Angelina Castaneda
John N. Murray

Councilmember Gonzalez expressed a preference for the Old Pomona Road location, because it includes parking, however, it's not listed as an option today; supports Option 2 or Option 4 for the sake of cost; cannot support option 5, because of the petitions and the school board; does not approve option 1 to remove the dog park noting that some people perceive this as "Councilmember Escobar's dog park" rather than Pomona's dog park.

Mayor Sandoval inquired about the proposal for Old Pomona Road and the parking; requested Director McWade elaborate on the Old Pomona Road Option.

Director McWade responded that Alternative 1 gives the option of removing it from the construction contract and relocating it to Old Pomona Road or stop construction all together.

Councilmember Ontiveros-Cole shared her son attended Decker Elementary and spoke about parking issues at that school; stated she is in favor of the dog park, however, the location is a problem; requested more information about the size of the Old Pomona Road location and stated she would like the Council to consider another location.

AMENDED MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO TO APPROVE ALTERNATIVE 4

Assistant City Attorney Jared clarified it would be appropriate at this point to discuss the amended motion.

Mayor Sandoval asked for any further comments.

Councilmember Ontiveros-Cole spoke about the various needs of dogs based on size; noted that big dogs need to run and inquired if Old Pomona Road has that type of space; expressed concerned about urine, feces, and flies; shared thoughts that location impacts how successful the dog park will be.

Councilmember Robledo lost phone connection at 10:36 p.m.
Councilmember Robledo reconnected at 10:38 p.m.

Mayor Sandoval commented on the history of this item, the number of meetings, and reiterated resident's concerns; shared that the dog park is a good idea because it encourages people to come together; stated the people are opposed to the location and have expressed their concerns by submitting over 800 signatures in opposition of the project, therefore, he added this item to the agenda. He spoke about trust with members of the community and about friction between elected officials and the community; stated this is not the right location, recommends Council vote for Alternative 1 and look at the Old Pomona Road as an option; appreciated his colleagues desire to move forward, but by listening and hearing their concerns they are acting in the best interest of the community.

Director McWade responded to the Mayor's inquiry about exploring the Old Pomona Road location; noted it would be like starting over with the process; staff would need to determine the need for community feedback, approve a design contract, etc.; noted this time it would be a single bid design and construction, no economy of scale, it would delay the process and there will be funding implications.

Mayor Sandoval asked Vice Mayor Escobar about her RDA money and if she would be amenable to investigating other locations.

Vice Mayor Escobar replied she was not in favor of a location change, stated she wants to call the question; opposed to any other location and will use RDA money for other projects; voiced an issue with the community's lack of communication with Council members and the Mayor with their ideas or concerns.

Councilmember Carrizosa asked for clarification on what the petition states; inquired if the people who submitted blue slips oppose the location or the entire dog park.

City Clerk Buice read the petition into the record for the city Council; informed Councilmember Carrizosa that all but one speaker card said oppose and only one said opposed location.

Councilmember Carrizosa stated she did not hear anything about people asking for another location; clarified that the people do not want the park period, providing almost 900 signatures.

Mayor Sandoval stated he had not seen the petition; reiterating the reasoning to adding this item to the agenda was based off discussion in the community, on social media, emails received and phone calls received; noted a conversation with Vice Mayor Escobar prior to adding this item to the agenda.

Vice Mayor Escobar stated she saw the petition on June 16, 2017; signing started on June 9, 2017.

Councilmember Carrizosa expressed they had listened to the community; noted that the Council has followed the procedures and after several meetings eventually approved the project and shared she was voting in favor of the dog park.

Vice Mayor Escobar asked to call the question.

Councilmember Robledo seconded the motion call the question; noted that she has additional concerns similar to Councilmember Carrizosa.

Mayor Sandoval noted the people have spoken and over 870 people have signed a petition.

Councilmember Torres spoke about the process, acting in the best interest of the City and about the positive feedback from residents.

MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED 5-2 (COUNCILMEMBER ONTIVEROS-COLE AND MAYOR SANDOVAL OPPOSED), to approve Alternative No. 4 for Phillips Paw Park.

Aye: 5 - Gonzalez, Robledo, Carrizosa, Escobar and Torres

Nay: 2 - Sandoval and Ontiveros-Cole

Mayor Sandoval called for a 5 minute recess at 11:00 p.m.

Councilmember Robledo announced that due to the time difference in London she would no longer be participating in the remaining items.

The City Council meeting reconvened at 11:07 p.m.

PUBLIC HEARINGS

Item 14 was heard after Item No. 12 on the Discussion Calendar.

14. Conduct a Public Hearing on the Appeal of Historic Preservation Commission's Approval of the Major Certificate of Appropriateness (MAJCOA 5720-2016) and Design Plan for Capital Improvement Project "ADA Ramps and Sidewalks Compliance Program - Citywide (Phase II - Lincoln Park)," Project No. 428-2590-XXXXX-81055

RESOLUTION NO. 2017-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, REPEALING HISTORIC PRESERVATION RESOLUTION NO. XXX APPROVING MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 5720-2016) AND RELATED DESIGN PLAN AND APPROVE MAJCOA 5720-2016 WITH AN ALTERNATIVE DESIGN PLAN FOR "ADA CURB RAMPS AND SIDEWALKS COMPLIANCE PROGRAM-CITYWIDE [PHASE II - LINCOLN PARK]," PROJECT NO. 428-2590-XXXXX-81055

Mr. Brad Johnson gave a presentation for this item; mentioned an underlying lawsuit; noted community meetings had been held and gave a history of the commission approval at the Historic Preservation Commission and Parks and Recreation Commission.

City Engineer Guerrero gave a presentation on the staff recommendations; showed Exhibit F - a collaborative approach that staff and consultants felt were safe, which makes it ADA compliant through the intersection to the park, and provided detailed description of alternatives.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-0-1, (COUNCILMEMBER ROBLEDO WAS ABSENT), to open the Public Hearing.

Mickey Gallivan, thanked Mayor Sandoval and Councilmember Ontiveros-Cole for filing the appeal; spoke on behalf of the Historical Society to ensure the minimalist concept was accepted.

Jim Gallivan, stated that the Historic Preservation Commission never had a chance to vote on this last configuration and went into detail about things that had to happen; noted that on the outside everything seems acceptable, however, they want the right to reject details on the inside; inquired why the City has had a hard time getting to this unit.

Ann M. Tomkins, Historic Preservation Commissioner, thanked Mayor Sandoval and Councilmember Ontiveros-Cole for filing the appeal; spoke about the proposal; requested it be presented to the to the Historic Preservation Commission and would like to see a more detailed presentation; noted there was no proposal for speed tables.

John Clifford stated he is thrilled with this minimalist proposal and the Council is listening to the public; noted there was a misrepresentation and went into detail about the versions of proposals.

Deborah Clifford, co-president of the Historical Society; stated the goal was to provide ADA access with minimal change to the park; noted this proposal will slow down the traffic while keeping it as close to original as possible; requested Council vote for Exhibit F.

City Clerk Buice read into the record a letter submitted by Keiva Kaak a resident living at 1349 N. Palomares street; who spoke in opposition of the proposed stop sign, suggested crosswalks and signage to address ADA issues.

MOTION BY VICE MAYOR ESCOBAR TO CLOSE THE PUBLIC HEARING, SECOND BY MAYOR SANDOVAL, CARRIED 6-0-0-1, (COUNCILMEMBER ROBLEDO WAS ABSENT), to close the Public Hearing.

Assistant City Attorney Jared stated that City Engineer Guerrero needs to clarify comments made by a speaker.

City Engineer Guerrero clarified that Alternative F shows nothing in the middle of the park, but shared that there are improvements being made to the interior of the park; noting there will be new walking trails, the removal of a concrete mosaic and replacement with a granite mosaic, addition of a 3rd ADA accessible picnic table and hiring a third party arborist to oversee the construction near the oak tree to prevent damage.

Councilmember Ontiveros-Cole stated it is a good plan however she has concerns with the decomposed granite when it gets wet; inquired if there was a way to preserve the concrete and the originality of the park and inquired as to the depth of the concrete and the plan to take it out and the goal was to preserve the removed pieces.

City Engineer Guerrero responded that decomposed granite paths are not ideal, however, they will be replaced underneath the oak tree in the plaza area, which might provide a natural barrier and less exposure to rain water; noted it was cost prohibitive to try to repair the existing concrete and it was difficult for the respondent to get around in that area; and the concrete may be 3-4 inches thick in its existing form, but hard to confirm. The concrete would be removed under supervision of the third party arborist, so as to not damage the root system. If that means by hand, we will do whatever the 3rd party arborist recommends; noted there are no plans to preserve the concrete.

Councilmember Carrizosa shared she is happy to know that this is coming to a conclusion; thanks those involved for their participation; noted the potential savings of money.

Councilmember Torres shared this was a good example of everyone working together and that he is happy to see this have an ending that is mutually beneficial.

Councilmember Gonzalez shared he is glad to see this coming to a conclusion; noted the numerous redesigns and encouraged the Council to listen to the voices of residents and commissions in the future.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-0-1, (COUNCILMEMBER ROBLEDO WAS ABSENT), to open the Public Hearing.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-0-0-1 to repeal the historic preservation resolution approving major certificate of appropriateness (MAJOCA 5720-2016) and related design plan and approve MAJCOA 5720-2016 with an alternative design plan for "ADA Curb Ramps and Sidewalks Compliance Program Citywide [Phase 11 Lincoln Park].

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

Absent: 1 - Robledo

ITEM PULLED FOR DISCUSSION

10. Adoption of a Finding of Public Convenience or Necessity (PCN) related to Conditional Use Permit (CUP 7445-2017) to allow the sale of beer and wine for off-site consumption at a proposed new gas station located at 805 Rio Rancho Road within a shopping center located in the C-4 (Highway Commercial) zoning district

RESOLUTION NO. 2017 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE SALE OF BEER AND WINE (ABC LICENSE TYPE 20) FOR OFF SITE CONSUMPTION AT A PROPOSED GAS STATION AND CONVENIENCE STORE ON A PROPERTY LOCATED AT 805 RIO RANCHO ROAD

OR

RESOLUTION NO. 2017 - 105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DENYING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE SALE OF BEER AND WINE (ABC LICENSE TYPE 20) FOR OFF SITE CONSUMPTION AT A PROPOSED GAS STATION AND CONVENIENCE STORE ON A PROPERTY LOCATED AT 805 RIO RANCHO ROAD

Councilmember Carrizosa expressed concerns about adding another liquor license in an area that is considered a high crime area.

Assistant City Attorney Jared reminded the council that California law prohibits any decision being made in regards to a liquor license at a gas station, the fact that it is at a gas station cannot be used in determining your decision.

Councilmember Gonzalez expressed concerns about the distance to Garey High School and Lexington.

Councilmember Ontiveros-Cole agreed with Councilmember Gonzalez's concerns about proximity, added her concerns about the number of licenses in that area.

Councilmember Torres mentioned that the Planning Commission, used to be really critical of liquor licenses in areas of high crime; discussed the uncertainty that regulation will prevent people from using alcohol, therefore, encouraged trust in the business to be strict with ID's; noted this area was just developed and this business came into Pomona and cleaned up the area; stated he could side either way but doesn't want to close the door on any businesses that have a good track record.

Mayor Sandoval shared he does not support another liquor license and provided history into the Council's thought process; read a report that was provided to the City Council with research and

facts about high crime in that area, and noted the existing opportunities for individuals to purchase alcohol in the area.

Vice Mayor Escobar spoke in support of the item; shared a story about a situation a couple of weeks ago, all existing stores were closed so there was nowhere nearby to buy alcohol; supports not having a plethora of liquor licenses, however, noted the aesthetics of that area right now, combined with the fact that Arco AM/PM will be required to adhere to ABC checks provides her with less worry in this situation; encouraged more regulation on blunt wrappers.

Mayor Sandoval asked Police Chief Capraro for his insight into offenses and arrests, when the City Council passes a liquor license.

Police Chief Capraro shared he loves the process that is set up because it takes the police opinion out of it and the process has worked for many years.

Mayor Sandoval commented on the learning experience and standards established by A.B.C (Alcoholic Beverage Control).

MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER CARRIZOSA to extend the meeting at 12:11 a.m.

Eric LeVaughn, owner of this property shared history of his liquor licensing process; shared that there was a clerical error that ABC told us that they were ready to issue our license but the PCM had expired, the Council and Planning Commission had approved this previously; spoke about the additional investments made to provide safety to the community and employees - beer coolers that auto lock at 2:00 a.m., ABC training for clerks, 46 high definition cameras, audits and training every six months, and ARCO secret shoppers; noted none of their facilities have had an ABC violation to date.

Councilmember Torres expressed concerns with being fair and consistent with liquor license decisions; commented that he wants to see businesses succeed.

Councilmember Carrizosa inquired about non-refrigerated end caps, Gondola type displays and where the end caps would be located.

Brad Johnson, Planning Manager, responded to Councilmember Carrizosa explaining that both are specific areas to display beer and wine; noted that the Planning Commission has gotten very specific about end cap displays and the information about location could be found in the presentation that was given to the Planning Commission; he presented a visual slide.

MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY COUNCILMEMBER TORRES, CARRIED 2,4,0,1 (COUNCILMEMBERS GONZALEZ, CARRIZOSA, ONTIVEROS-COLE and MAYOR SANDOVAL OPPOSED, COUNCILMEMBER ROBLEDO WAS ABSENT), to adopt a Finding of Public Convenience Or Necessity related to a Conditional Use Permit to allow the sale of beer and wine for off site consumption at a proposed new gas station located at 805 Rio Rancho Road.

Aye: 2 - Escobar and Torres

Nay: 4 - Sandoval, Gonzalez, Carrizosa and Ontiveros-Cole

Absent: 1 - Robledo

DISCUSSION CALENDAR

12. 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

This item was heard before Item No. 10.

13. Finding 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 Learning Centers at Fairplex in support of the Big Yellow Bus Program - Requested amount: TBD
B) Amount to be determined to the Claremont Symphony to cover Community Services fees for their annual summer concert series - Requested amount: \$750.00

This item was heard after items 12, 14 and 10.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 6-0-0-1 (COUNCILMEMBER ROBLEDO WAS ABSENT).

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

Absent: 1 - Robledo

PUBLIC HEARINGS

4. Conduct a Public Hearing on the Appeal of Historic Preservation Commission's Approval of the Major Certificate of Appropriateness (MAJCOA 5720-2016) and Design Plan for Capital Improvement Project "ADA Ramps and Sidewalks Compliance Program - Citywide (Phase II - Lincoln Park)," Project No. 428-2590-XXXXX-81055

RESOLUTION NO. 2017-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, REPEALING HISTORIC PRESERVATION RESOLUTION NO. XXX APPROVING MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 5720-2016) AND RELATED DESIGN PLAN AND APPROVE MAJCOA 5720-2016 WITH AN ALTERNATIVE DESIGN PLAN FOR "ADA CURB RAMPS AND SIDEWALKS COMPLIANCE PROGRAM-CITYWIDE [PHASE II - LINCOLN PARK]," PROJECT NO. 428-2590-XXXXX-81055

MATTERS INITIATED BY CITY COUNCILMEMBERS

City Manager Lowry inquired and Mayor Sandoval informed that Items C, D, and E from Closed Session would be carried over to the July 17, 2017 Closed Session meeting.

Councilmember Carrizosa stressed the need to have a good strategy and send a strong message about the use of fireworks; encourage Council to explore a different way of deploying officers, plan a better strategy and talk to other mayors.

Councilmember Ontiveros-Cole stated she was in agreement with Councilmember Carrizosa; noted a need to begin strategy early, perhaps add more fines; shared there is a perception that nothing will be done and therefore some members of the public do not respect the law.

Councilmember Gonzalez spoke about fireworks, ordinances, the need to cite people for jaywalking due to the overall lack of respect for minor ordinances; shared that some people will be upset with certain votes, therefore there may be a need to defend actions; stated the dog park was a compromise, he hates to turn down the liquor license and supports Planned Parenthood.

Mayor Sandoval invited his colleagues to the Indoor Swap Meet parking lot at Mills & Holt for litter pick-up tomorrow morning from 8-10:30 a.m.; shared there is a group of University students volunteering for us that did a litter survey for the entry points in the City who will report their findings to the Council at a future meeting; spoke about the issue of speeding in the City and inquired into the ability to raise fines.

Assistant City Attorney Jared responded to Mayor Sandoval that there are a number of concerns about ordinances and fine structures; noted he will look into how it can be addressed.

Councilmember Ontiveros-Cole shared that people are driving really fast on Towne Ave. leading to fatal accidents; encouraged Council to do something about enforcing speed limits.

Mayor Sandoval spoke about a need to get people to stop at the light on Garey Ave. and Jefferson; inquired into options the Council would have to improve this situation.

Councilmember Carrizosa commented that speeding is happening all over the City.

ADJOURNMENT

The City Council meeting was adjourned at 12:36 a.m. on July 11, 2017.

The next regular City Council meeting to be held on Monday, July 17, 2017, Closed session will begin at 5:30 p.m. and the open session shall commence at 7:00 p.m. in the City Council Chambers.

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