



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

Meeting Minutes

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

*Mayor Tim Sandoval
Councilmember Rubio R. Gonzalez
Councilmember Adriana M. Robledo
Councilmember Cristina Carrizosa
Councilmember Elizabeth Ontiveros-Cole
Councilmember 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, November 6, 2017

7:00 PM

Council Chambers

5:30 P.M.

CLOSED SESSION

Public Comment:

A. CONFERENCE WITH LEGAL COUNSEL POTENTIAL LITIGATION

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

B. CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

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

Labor Negotiators: Linda Lowry and Linda Matthews

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property: 101 W. Mission Blvd.; APNs 8341 008 912, 913, 914 and 915

Negotiating Party: Optimax Irrevocable Trust I and Private Eq. I, Value Add Properties, LLC and MCA Properties

Successor Agency's

City's Negotiator: Linda Lowry, City Manager

Under Negotiation: Price and Terms

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

Assistant City Attorney Jared reported that the City Council had recessed into Closed Session at 5:40 p.m. with all members present, except Councilmember Adriana Robledo.

The City Council voted unanimously, 6-0-1-0, Robledo absent, to add one item of existing litigation Pelayo vs. City of Pomona. This matter was added to the agenda, discussed, and there was no final action taken and nothing further to report.

Item A was discussed, no final action taken and nothing further to report.

Item B was not discussed and held over to the next City Council Meeting on November 20, 2017.

Item C was not discussed and held over to the next City Council Meeting on November 20, 2017.

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 7:01 PM.

ROLL CALL

Present: Mayor Tim Sandoval
Councilmember Rubio Gonzalez
Councilmember Cristina Carrizosa
Councilmember Elizabeth Ontiveros Cole
Councilmember Ginna E. Escobar
Vice Mayor Robert Torres

Absent: Councilmember Adriana Robledo

STAFF PRESENT:

Linda Lowry, City Manager
Andrew Jared, Assistant City Attorney
Eva M. Buice, City Clerk
Cecilia Varela, Deputy City Clerk

POSTING OF THE COLORS

The Posting of the Colors was presented by Garey High School JROTC.

PLEDGE OF ALLEGIANCE

Mayor Sandoval led the Pledge of Allegiance to the Flag.

PRESENTATIONS

A. Dr. Vo presented a check from The Vietnamese Community of Pomona Valley and Phap Van Buddhist Cultural Center on behalf of the City of Pomona to the American Red Cross for Hurricane Relief Efforts in Houston, Texas

Dr. Huu Dinh Vo, M.D. provided history regarding the Vietnamese Community's arrival in Pomona in 1975; spoke about recent disasters and fundraising efforts; stated they raised more than \$7 million to help hurricane victims and had presented a check in the amount of \$27,000 to the American Red Cross last week, and today, another \$13,050 for Hurricane Harvey; he shared his love for the City of Pomona.

Councilmember Ontiveros-Cole complimented Dr. Vo for his wonderful events and for creating a wonderful atmosphere; requested colleagues donate \$50 more to the Red Cross.

B. Approval and Presentation of a Proclamation Small Business Saturday

Vice Mayor Escobar and Mayor Sandoval read aloud and presented the Proclamation for Small Business Saturday designated on November 25, 2017 (Saturday after Thanksgiving) to Pomona Chamber Representative Erica Fausto.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Carrizosa reported there were many celebrations for the Day of the Dead and that she had attended the celebration at the dA Art Gallery. She noted they celebrated the Day of the Dead with dignity, respect and a spirit of equality and a spiritual manner; that she had attended two

of a three part activity in Claremont related to the history of the Latino community from the 1930-1970's and the 30th Anniversary of the Purpose Church.

Councilmember Escobar reported that Congresswoman Torres had sponsored a National Shake Out event at Ganesha Park and had been well attended; that she sponsored and held the first successful Trunk-or-Treat event with Decker Elementary, which provided a safe option for families on Halloween; noted that she would host it again next year; shared that Phillips Paw Park, first dog park in Pomona, was now open, and that the opening had been well attended; announced that she had participated in the 5K, thanked We Run Pomona; congratulated City Staff on the Palomares Haunted House; stated as the Pomona representative of the Water Education Latino Leaders fellowship she was given assignment for community outreach, which was being implemented and Council would be briefed about the project at a future meeting.

Councilmember Torres reported on several events that he had attended – Western Students bring more information about homeless issue, Willie White cultural festival; thanked Police and Fire Departments for a very successful Earthquake preparedness seminar.

Councilmember Ontiveros-Cole reported she had attended the 830 Purpose Church 30th Anniversary, Pomona Historical Society tour and the 5K; shared that Mayor Sandoval and herself had met with constituents regarding Montvue Park safety.

Councilmember Gonzalez reported that the Pomona Heritage Home Tour was fantastic and that he got to see the YMCA; shared excitement for the wonderful things planned with the YMCA building; attended the Purpose Church 30th Anniversary mass and its 147th anniversary of being in Pomona; shared the Film Society had Poltergeist at the Old Stump, the Democratic Club had Legacy Awards, Pomona Unified School District had Rachel's challenge, an anti-bullying campaign, at the different campuses; stated there would be speakers on Planned Parenthood and morality and/or religious opinions were not a factor for him, he sees this as a women's and civil rights issue.

Mayor Sandoval announced there were many amazing things going on in the community; gave sincere thanks to We Run Pomona and Day One Pomona for organizing a historical event, with over 750 registered runners; noted the Cal Poly Pomona PEP band and vendors were in attendance, overall the 5K had been a great community event and \$5,500 had been raised for programming for our children; mentioned that Lincoln Park had an informal annual Halloween event with thousands of kids coming to trick-or-treat, overall it had been a great event this year; thanked the Historical Society for the Home Tour and for providing an opportunity for folks to see amazing homes in the City; thanked residents of Angela Chanslor neighborhood for the cleaning efforts in the neighborhood; shared on Friday a small group cleaned gutters and sidewalks and the neighborhood was coming together to take ownership of their community and also the new pocket park would be ready soon.

CITY MANAGER COMMUNICATIONS

The City Manager did not have anything to report.

PUBLIC PARTICIPATION

Mayor Sandoval recommended a two minute time limit for all speakers.

Douglas C. Pierce, Pomona resident, requested follow up on his request to City Council about three properties that were not up to code, 805-806 and 850 E. Monterey Ave. and 236 N. Mountain View Ave. Mayor Sandoval referred Mr. Pierce to Director McWade.

Steve Figueroa complimented the Mayor on the way he runs the meetings. He spoke about respect of civil rights and small business, and advocated for families with disabilities (childhood cancer, seizures) to allow cannabis dispensaries.

Deborah Lynn Davenport spoke about the unfair treatment of women at Planned Parenthood; quoted scripture from the Bible, Psalms 36:9; spoke about required licensure of vets, marriage and family therapists, dentists; shared that she had requested to see license of abortionist at Planned Parenthood and had been informed that they were not required by law to provide any license to anyone for any reason.

Daniel Luevanos, One Legacy Ambassador from Donate Life; provided statistics of organ donation and extended an invitation to assist with the Donate Life 15th Annual Rose Parade Float on Tuesday, December 19, 2017 10:00 a.m. – 12:00 p.m.

Jeanette Ellis Royston, NAACP Pomona Branch President, and representing ICE Out Of Pomona Coalition, spoke in support of human rights for all undocumented individuals. She stated that ICE Out of Pomona had drafted an Ordinance and requested Council to consider placing it on an agenda soon. She thanked Council for their work.

Melanie Giselle Andreo, ICE Out Of Pomona Coalition Youth Member; spoke about the Sanctuary State Bill, expanding rights for immigrants and compliance with Senate Bill 54. She stated the proposed ordinance would benefit residents and requested it be placed on the next agenda.

John Willis was glad to see the Vietnamese Community Presentation, noting that it showed that Pomona didn't need to be a sanctuary city. He spoke against abortion; expressed concerns with the Earthquake Shakeup event; mentioned trash and homeless issues in Pomona.

Anthony Schaper, Torrance, was offended that a councilmember was voicing support for abortion; expressed concerns with the language of the Sanctuary Bill and stated an ordinance to defy law was offensive. He stated that Black Lives Matter and spoke against illegal immigration. He noted that Council should be concerned about the homeless, veterans and foster children.

Alex Khalil spoke about upholding immigration laws and respect for the President of the United States. He spoke against Planned Parenthood and stated this is not Mexico and no one is native or entitled to be here and that Americans should be first. He voiced his opinion that all illegal aliens were criminals and should be deported.

Elmer Vidana, We Run Pomona Founder, thanked the City, Day One, Councilmembers, Police and Fire for their support of the 5K event. He shared that there had been over 750 participants and they had raised \$5,500 for youth programs. He informed that they had begun the planning phase for year two. He spoke about the positive community feel of the event and the mission of health awareness in the youth and keeping the community clean.

Gayle Claiborne extended an invitation to the 36th Annual Pomona Inland Valley Martin Luther King Projec. She asked Council to sponsor the event and awards given to youths aged 14-19 doing great things in Pomona.

Michael Casey, ICE out of Pomona Coalition, mentioned that the City should follow Senate Bill 54 and discussed the importance of community. He expressed happiness to see Councilmembers at the Rally for Dreamers and asked Council to include this issue on the next Council Meeting agenda.

Norma Murakami expressed concern with Planned Parenthood. She shared her crisis pregnancy and abortion experience with them and stated that Planned Parenthood was not properly informing women.

Thomas Smith spoke about the massacre at First Baptist Church in Sutherland Springs, Texas, where 26 lives had been lost. He commented that life is precious and expressed his opposition to abortion. He requested that Planned Parenthood be asked to leave Pomona.

Denise Smith spoke against Planned Parenthood. She thanked Councilmember Ontiveros-Cole for attending the 60th Anniversary Celebration of Central Baptist Church and added that children's lives were important to the congregation. She also requested that Planned Parenthood be asked to leave Pomona.

Fernando Garcia, resident homeless, asked Council to investigate building and safety inspectors because they were causing people to lose their homes. He spoke about his case and stated that people were being targeted with technology.

Rachel Alarcon voiced support for Planned Parenthood and expressed support for ICE out of Pomona Coalition. She stated that all immigrants deserve the opportunity for a better life.

Genevieve Peters voiced concerns about what is being taught in schools and celebrating the Day of the Dead. She spoke about the disservices and use of mandatory fees for freshman and transfer students for a rideshare for free rides only for illegal immigrants and students from gay families. She said America's culture continues to be eroded and voiced support for merit based immigration.

Robin Hvidstoh stated it was alarming that Planned Parenthood was not required to display a license. He spoke in support of civil rights for unborn children. He expressed concern that the Earthquake Seminar hosted by Congresswoman Norma Torres was prejudiced and discriminatory. He spoke about Federal Immigration Laws and the Ice out of Pomona ordinance, noting that he would prefer to see an ordinance to help the homeless community.

Chris Toovey, dA Center for the Arts, announced that they had been honored to host the Latino Round Table Dia De Los Muertos Celebration of a culturally and community inclusive event; shared the dA Center acting as a consultant for the Cultural Arts Commission and has received approval for a working arts registry for the City, to assist in accessing the Public Art Fund; as Artist Laureate of Pomona shared that three Pomona and three Claremont Art Institutions that have had projects accepted by the Getty Center for the bi-annual PST: LA/LA (Latino and Latin American Art in Los Angeles) and the Fairplex Millard Sheets Art Center is featuring an exhibit from the American Museum of Ceramic Art.

Randy Beckendam spoke about the report from the zoning workshop and the opportunity to discuss changes in zoning code. He suggested a zoning code change to allow the growing of food all over the City and for food to be sold on the site it was grown. He shared that Sacramento had passed such an ordinance with an additional provision for urban beekeeping, and encouraged Council to review and consider a similar provision.

Maureen Carol, Pomona, expressed concern with new permit parking on Erie Street between Orange and Holt and the inability to buy permits. She requested help from the Council. Mayor Sandoval referred Ms. Carol to Director McWade.

Delia Garcia, Pomona, expressed concern with parking at Erie and Laurel. She noted there was a problem with cars parked back to back, disabled persons and mothers with babies/children who are not able to walk from Orange or Holt to their apartments. .

Reina Analetto also expressed concern with the permit parking on Erie and Laurel, noting that she is disabled, cannot walk very well; requesting help from Council to remove permit parking area or issue permits.

Elizabeth Cabello, Pomona, expressed concern with speeding vehicles and requested speed bumps on Palomares, between Phillips and Franklin Streets.

Karina Renteria spoke about parking restrictions and tickets issued on Erie and Laurel.

Adelaida Agerayo expressed concern with permit parking on Erie and Laurel. She stated that she had a handicap parking permit and had been given two tickets.

Jose Angel Garcia expressed concern with permit parking on Erie and Laurel. She indicated that the homeowners had not alerted tenants about the parking permit signs and requested help to obtain permits.

Guadalupe Rosas also expressed concern with the permit parking on Erie and Laurel and requested help from Council.

Leo Lozano expressed concern with permit parking on Erie and Laurel and requested help in obtaining parking permits.

James Sambrano, Attorney, commented that he had participated in the 5k Run, and that it had been great to see the turnout. He spoke regarding Senate Bill 54, noting that it would become federal law as of January 1, 2018. He said it was incumbent upon Council to seek public input and to ensure that Pomona's residents were informed that the law would be implemented as intended.

Luis Oliva, Garey High School Senior, spoke in opposition to the establishment of an Amazon Headquarters in Pomona. He stated that it would not help the Pomona community as the City is comprised of Hispanics who are not citizens and would not be able to benefit from the new jobs. He commented that he was an immigrant and that not all immigrants were the same.

Saheri Singh, Garey High School Senior, expressed concern with the restrooms at Garey High School, noting that it was a health issue with no seat covers or toilet paper at times. She recognized that this was a PUSD issue, but she wanted to bring it to the attention of the City Council.

Estefani Leon, Garey High School Student, expressed concern with the gang activity in her neighborhood and at school, noting that many students are afraid to walk on campus and it has become a school wide issue, causing students to lose focus on studies in this type of environment.

Elinor Crescenzi acknowledged participants in the 5K and shared that she had been able to divert 95% of waste collected from landfills by working with event coordinators and hand sorting. She stated that by paying attention to what is being thrown away, one can make better use of

resources. She spoke about the resolution that the United Voices of Pomona brought to Council in June, calling for a community and ecologically oriented approach to zero waste management in Pomona, and requested feedback from Council on the resolution and to add it to a future agenda.

Gustavo Callejas, Cal Poly Pomona Student Government, read a statement from the Native American Student Center and thanked Council for adopting Indigenous Peoples Day.

Fernando Romero, Director of the Pomona Economic Opportunity Center and Pomona Day Labor Center, spoke in favor of the ICE of Pomona Coalition and ordinance. He thanked the City Attorney for advice and consultation, and commented about doing what is morally right and following Senate Bill 54. He requested this ordinance be added to the next City Council agenda.

Patricia Alvarez, Pomona, informed that she was the daughter of two legal immigrants. She spoke against abortion, noting that unborn babies have become victimized.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR TORRES, CARRIED 6-0-1-0 (COUNCILMEMBER ROBLEDO ABSENT) approving the Consent Calendar with exception of Items 2 and 7 removed for discussion.

1. Minutes of the May 15, 2017 Regular City Council meeting.
2. REMOVED FROM CONSENT CALENDAR FOR DISCUSSION.
3. Adopt a Resolution Amending the FY 2017-18 Capital Improvement Program (CIP) Budget by Appropriating \$50,974 from Available Equipment Maintenance Fund Reserves for "Fleet Maintenance Building Roof Replacement," Project No. 428 2590 XXXXX 71042; and Award a Construction Contract to Vincor Construction Inc. in the Amount of \$159,974

RESOLUTION NO. 2017-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO APPROPRIATE AVAILABLE EQUIPMENT MAINTENANCE FUND RESERVES IN THE AMOUNT OF \$50,974 FOR "FLEET MAINTENANCE BUILDING ROOF REPLACEMENT," PROJECT NO. 428 2590 71042

4. Adopt a Resolution Amending the FY 2017-18 Capital Improvement Program (CIP) Budget by Updating the Project Description for "Street Rehabilitation District 6," Project No. 428 2590

XXXXX 67921 and Reappropriating Excess RDA Bond Proceeds (District 6) in the Amount of \$2,240,285

RESOLUTION NO. 2017-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY UPDATING THE PROJECT DESCRIPTION FOR “STREET REHABILITATION DISTRICT 6,” PROJECT NO. 428 2590 XXXXX 67921 AND REAPPROPRIATING EXCESS RDA BOND PROCEEDS (DISTRICT 6) IN THE AMOUNT OF \$2,240,285

5. Adopt a Resolution Approving the Police Department's Expenditure Plan for FY 2017-18 Supplemental Law Enforcement Services Account (SLESA) Funds Received from the State of California in the Amount of \$238,000 and Amending the FY 2017-18 Operating and Revenue Budgets

RESOLUTION NO. 2017-149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE POLICE DEPARTMENT'S EXPENDITURE PLAN FOR FY 2017-18 SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACCOUNT (SLESA) FUNDING IN THE AMOUNT OF \$238,000 AND AMENDING THE FY 2017-18 OPERATING AND REVENUE BUDGETS

6. Adopt a Resolution approving a Mills Act Program Certificate of Appropriateness (MILLS 5027 2016) for a property located at 396 E. Jefferson Avenue.

RESOLUTION NO. 2017-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 396 EAST JEFFERSON AVENUE

7. REMOVED FROM CONSENT CALENDAR FOR DISCUSSION.

8. Adopt a Resolution Amending the 2017-18 Capital Improvement Program (CIP) Budget by: Unappropriating \$300,000 of Remaining Water Funds from the “Water Main Replacement FY 2017-18 Design” Project; Creating a New Project titled “Recycled Water System Expansion

Design” and Partially Funding this New Project with \$150,000 of Water Funds; Appropriating \$120,000 of Water Funds to “Treatment Chino Basin Groundwater VOC Plant” and \$30,000 of Water Funds to “Six Basins Groundwater Optimization”

RESOLUTION NO. 2017-152

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE 2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY UN APPROPRIATING \$300,000 OF REMAINING WATER FUNDS FROM THE “WATER MAIN REPLACEMENT FY 2017-18 DESIGN” PROJECT NO. 428 2590 XXXXX 95079; CREATING A NEW PROJECT TITLED “RECYCLED WATER SYSTEM EXPANSION DESIGN” PROJECT NO. 428 2590 XXXXX 95080 AND PARTIALLY FUNDING THIS NEW PROJECT WITH \$150,000 OF WATER FUNDS; APPROPRIATING \$120,000 OF WATER FUNDS TO “TREATMENT CHINO BASIN GROUNDWATER VOC PLANT” PROJECT NO. 422 8125 XXXXX 83020 AND \$30,000 OF WATER FUNDS TO “SIX BASINS GROUNDWATER OPTIMIZATION” PROJECT NO. 595 8125 XXXXX 95073

9. Adopt at Second Reading an Ordinance Amending the Pomona Zoning Ordinance (CA 8233 2017) and Specific Plan Amendments (SPA 8235 2017) to Explicitly Prohibit Commercial Marijuana/Cannabis Activity Citywide, and Adoption and Second Reading of an Ordinance Amending the Pomona City Code to Establish a Permitting Method for Indoor Marijuana Cultivation and Prohibiting Smoking of Marijuana in Designated Areas

ORDINANCE NO. 2017-4241

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA ADOPTING CODE AMENDMENT (CA 8233 2017) AMENDING THE ZONING ORDINANCE AND SPECIFIC PLAN AMENDMENTS (SPA 8235 2017) AMENDING THE PHILLIPS RANCH SPECIFIC PLAN, DOWNTOWN POMONA SPECIFIC PLAN, MOUNTAIN MEADOWS SPECIFIC PLAN, MISSION 71 BUSINESS PARK SPECIFIC PLAN, KELLOGG PLAZA SPECIFIC PLAN, POMONA CORRIDORS SPECIFIC PLAN, AND THE POMONA VALLEY HOSPITAL MEDICAL CENTER (PVHMC) SPECIFIC PLAN TO EXPLICITLY PROHIBIT COMMERCIAL CANNABIS ACTIVITY CITYWIDE

ORDINANCE NO. 2017-4242

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA AMENDING THE POMONA CITY CODE TO ADD ARTICLE X TO CHAPTER 34 TO IMPLEMENT A PERMITTING AND REGULATORY PROGRAM FOR INDOOR PERSONAL CANNABIS CULTIVATION AND TO PROHIBIT SMOKING CANNABIS IN DESIGNATED AREAS

Steven A. Figueroa spoke during public comment.

Benedict Lubbon, Representative California Hispanic Chamber, Black Chamber of Commerce, and California Medical Association, spoke about revisiting the issue and stated that by banning, the City would be perpetuating the black market, crime, and encouraging sales in schools and parks. He commented that industry wants to create small businesses, jobs and comply with regulations, and requested Council to look at this issue, and see that compliance, accountability, and transparency was the only way to control.

John Cortez was not present when his name was called.

Marcello Dagata talked about a different vision for commercial marijuana, noting that California had established laws that would keep it transparent and professional from seed to sale. He agreed with Mr. Lubbon, that by banning it would end up on the black market. He urged Council to make this issue legal and allow businesses to form and operate properly.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-1-0 (COUNCILMEMBER ROBLEDO ABSENT), adopting at second reading Ordinance No. 2017-4241 and Ordinance No. 2017-4242.

ITEMS PULLED FOR DISCUSSION

2. Award of Contract to TELACU Construction Management for Design Build Services for the Essential Service Areas of "Year Round Emergency Shelter" Project No. 428 2590 XXXXX 71044, for an Amount Not to Exceed \$3,890,017

Neighborhood Services Director Benita De Frank provided an overview of the report, including the history of the project, bid process, and project timeline, noting the process had started on July 11, 2017, and that release and summary of qualifications had been due on July 31, 2017. She informed that five contracts had been received and that following review of all proposals by the selection committee, TELACU had been selected as top proposer based on the criteria in the Request For Proposals (RFP). She informed that City Staff had met with TELACU to discuss the proposal, as it was over the money allotted. She advised that staff was seeking a recommendation for award of contract. She presented a slide with the proposed Site Plan for the year round emergency shelter, noting that the completed site plan had come in a little under \$6.9 million, including all the services requested in the RFP.

Councilmember Carrizosa asked and Director DeFrank responded that companies had bid on the entire project with a higher price tag. She stated that when the project was put out to bid they shared the total budget, however, three bids had come in between \$6-7 million and the

third at \$12 million. She commented they had an opportunity to receive Measure H funding at County level for capital projects, however, it hadn't been released yet, and there was a timing issue.

Councilmember Carrizosa asked if the City had sent the RFP without a clear idea of the cost.

Director DeFrank responded affirmatively, noting because this was a design build, it provided estimates of how much it would cost to design and build with all the amenities they were looking for.

Director DeFrank continued that in working with TELACU, there were parameters established to provide a fabric structure for sleeping, bathrooms, showers, laundry room and office space for program staff. She presented a slide demonstrating what would be included in the essential service area, as well as a list of items the \$3.8 million would not include (a communal kitchen, service provision building for mental health, health and housing services, coordinate entry building, day use bike racks, charging units, dog kennel, lockers, and gate perimeter fencing). She stated that site partners were still willing to provide services.

Director DeFrank stated that this was a campus per the Strategic Plan, and it shouldn't be divided. However, given the funding limitations and time frames, this was what could be done until the County released the RFP for capital funds. She discussed proposed interim strategies (relocate lockers on site, keep one building for storage, keep existing sheltered area for food service, demolish other existing buildings, keep some asphalt to serve as day use area).

Ann Tomkins, stated that she was an advocate for a year round shelter, however, she was not in favor of awarding this contract at this time. She said it was not in the best interest to have a shelter without services. She stated that committing \$4 million without knowing what all could be done would be a great risk.

Councilmember Ontiveros-Cole asked how much money would come from Measure H.

Director DeFrank replied that staff did not know. She stated there was approximately \$8.6 million in the Capital Fund to apply for, and that she had been in contact with LA County, Supervisor Solis' office and Council of Governments, and that according to the Board of Supervisors, the call for proposals would be released in December.

Councilmember Carrizosa asked for clarification if the \$8 million was as a whole or available for Pomona.

Director DeFrank stated as a whole, shared in the Capital Funds there was \$16 million for services and program, and a portion specifically for construction. She stated there were not many projects this far along and Pomona was considered shovel ready, with a site, site control, funds secured for a portion of the project, a plan and programming. She voiced her belief that Pomona was an excellent candidate to receive the County funds.

Councilmember Carrizosa inquired and Director DeFrank replied that she had been advised December 2017. She believed LASA was the County entity that would be releasing the RFP, but did not have specifics. She said her experience with other County funding was that applications were filed in September and funds were awarded in October.

Councilmember Carrizosa was concerned with the lack of a kitchen and stated that she would prefer to have everything centralized at once so that the City could enforce other regulations.

Councilmember Gonzalez agreed with Commissioner Tomkins that although they would like to expedite the process to get the shelter up and running, they need to do things right. He stated the central kitchen and offices for mental health services were two main components of the shelter that he had been promoting. He said the Tri City Board was excited to partner with the City on the shelter, however, without these two components it did not seem like a shelter. He mentioned another bid in the similar \$6 million price range that included solar panels, which would generate revenue for the City. He commented that most of the homeless population was not from Pomona; however, they were using tax payer money to fund, so generating income was important. He expressed a desire to move forward, but expressed concern that it was missing a lot of the critical elements.

Director De Frank responded that the TELACU project did have solar panels built into the project.

Councilmember Torres agreed that losing the central kitchen and office programs made the shelter incomplete. He asked if the shelter lacked services, how that would affect the enforceability of the camping laws.

Assistant City Attorney Jared responded that having the fabric shelter would allow for the full approach of enforcing those laws and not having the other services there would not affect enforcement.

Councilmember Torres inquired if accepting Measure H funds would create a loss of control and an obligation to keep the shelter open forever.

Assistant City Attorney Jared was not sure and advised that he would look into it.

Mayor Sandoval reiterated that Ms. Tomkins mentioned a lack of services, which were appreciated because they would make the Homeless Service Center a place for people to sleep, and would also address many of the issues that homeless people are facing with addiction, mental health, dependency and unemployment.

The Mayor inquired and Director De Frank responded that the services would still be provided as they currently are at Operation Warm Heart. She provided details of the current ongoing services and clarified that the proposed centralized service center was to allow for offices for staff who travel, and a place for sheltered persons to get services onsite. She agreed that this was not ideal, and wanted to make sure Council had the information regarding the current situation of \$3.9 million to do what we can, hoping that the County funding would be available to finish the project.

Mayor Sandoval requested clarification that services would still be offered, just not in a designated space with privacy to do the work needed. Director DeFrank confirmed that he was correct.

Mayor Sandoval stated homelessness was one of the biggest resident frustrations and expressed concern that the potential target date of March would be delayed, with the Armory scheduled to close on February 28th and the Department of Military had no plans of extending that date. He said that would mean that the homeless population would be out in the community. He commented that neither situation was ideal. He inquired if the City was prepared to deal with the social and economic costs of not taking action. He also expressed concern with the additional costs associated with completing the project in two phases. He said the original bid presented by TELACU was \$6.8 million, and would more than likely go up by an additional half million or more.

Director DeFrank confirmed that the cost would increase as a result of construction management and would be about \$100,000 per quarter, in addition to a one percent construction escalation almost every month.

Mayor Sandoval spoke about being mindful of other social and economic costs associated with not responding. He said the County had an established process and although there was appreciation for their assistance, the timing placed Pomona in a difficult situation. He talked about engaging the County and speaking with Supervisor Solis' office. He believed that a decision had to be made soon because of the additional costs created by a delay. He wanted to ensure that Council had enough information to make a sound decision.

Councilmember Torres inquired again if accepting money from the County would create a loss of control or an obligation to keep in operation.

Director DeFrank stated she did not have the parameters, adding that these would be part of the RFP released in December 2017. She said the County had committed to ten years with this funding and they knew that the fabric structure was being put in place for a specific reason.

Councilmember Torres inquired if the goal was for a temporary shelter until Pomona no longer had a homeless issue in a few years and Director DeFrank responded affirmatively.

Councilmember Torres stated the City had an obligation to move forward, given the cost, and the lack of enforceability of local laws and ordinances, particularly at Ganesha Park and Downtown Pomona. He mentioned that hearing the City Attorney say it would not affect the City's ability to enforce was a key factor in his decision. He agreed with Mayor Sandoval about delaying and stressed the need to work with what they have and move forward, and if the County can assist that would be a positive.

Councilmember Ontiveros-Cole inquired about the timeline of the project and Director DeFrank replied that they would have to sign the agreement, finalize the design and move forward to construction. She stated that TELACU was aware of the March goal.

Councilmember Ontiveros-Cole spoke about the homeless and mental health issues, and inquired if the Armory and Tri-City were administering medicine routinely.

Director DeFrank stated that neither Operation Warm Heart nor the Winter Shelter were medical facilities and could not distribute medications.

Councilmember Ontiveros-Cole asked and Director DeFrank responded that yes sheltered individuals were being assessed on a routine basis. She mentioned that if an individual exhibited behavior that appeared to be a threat to himself or herself, or someone else, that may lead to hospitalization. She explained that there were different levels of staff present on a daily basis.

Mayor Sandoval stated the County Board of Supervisors asked their team of attorneys to research the issue of mental health and based on the current interpretation of the law, if an individual doesn't want to take the medication they don't have to. However, the County has asked if these individuals with mental health issues were in a position to make these types of decisions.

Director DeFrank stated it is labeled as a civil rights issue and there is rule of law that must be followed.

Councilmember Ontiveros-Cole agreed with Councilmember Gonzalez that the community kitchen was a vital part of this project because we are subjected to various churches and organizations that come into Pomona and feed the homeless in the parks. She asked about the possibility to redesign something in order to have the funds for the community kitchen.

Director DeFrank responded that would require going back and they already had a minimal design, noting the cost to redesign would be \$200,000.

Councilmember Ontiveros-Cole asked for clarification on the asphalt and inquired if there was a place to setup if churches desired to bring food.

Director DeFrank stated there is currently asphalt there and it would be used for the day area. She noted there was a feeding area planned and that currently prepared food was being offered at the Winter Shelter, which could be done by churches.

Councilmember Ontiveros-Cole agreed with her colleagues that this was a decision that could not be delayed.

Councilmember Gonzalez discussed the limited budget and the fact that the TELACU bid was almost a million over, compared to the bid from Mayan in second place. He noted the projects that Mayan had built in Pomona have been stellar and that projects by TELACU have had mixed reviews. He inquired and Director DeFrank responded that the Mayan's project had one page that specified indirect costs and direct costs at \$6.1 million and did not provide line items. However, TELACU had provided cost by line items, value engineered, phased, and with more detail. She stated that the Mayans bid was not at the same level.

Councilmember Carrizosa spoke about the tremendous sacrifice to the City monetarily and commented that Council was basing their decision on the number of homeless counted in Pomona, as well as the fact that there was a lawsuit. She inquired about the additional homeless individuals that would come upon completion of the facility, and expressed fear that once they receive money from the County, Pomona would have the responsibility to take in people from other communities. She commented that for this amount of money, the City should erect a permanent structure. She noted this was an apportionment of what residents pay in taxes.

Director DeFrank informed that she had discussions with the County on that specific subject and that there had been dialogue about how to prioritize Pomona's unsheltered as a priority. She shared that there are cities throughout the region that are watching and could be scared

off of doing anything on their own if this example doesn't work. She stated that it was in the best interest of the County to work with Pomona.

Councilmember Carrizosa inquired and Director DeFrank responded that it would be easier to provide enforcement once the shelter was built, and shared that the County would like to build housing and have a program to refer individuals to housing throughout the County.

Mayor Sandoval stated that there was nothing in place to keep people from crossing city lines. He said the shelter could possibly deter those homeless individuals that don't want help and force them to leave the City; however, he said there were still questions that had to be answered prior to their next meeting.

Councilmember Carrizosa and Director DeFrank informed that the City would hire a Construction Manager from the City and a liaison to TELACU to ensure the project was completed in a timely process. After construction, Volunteers of America would be the operator and the City of Pomona would be the owner.

Councilmember Torres asked and Director DeFrank replied that the City will own the structure, which has a 20 year guarantee, and that it can be taken down and erected elsewhere for another purpose if desired. She noted that the property could also be repurposed.

City Manager Lowry advised that the property was restricted for the low mod original purpose. Therefore, if the City were to sell the temporary building on the market, the money would go back into the housing funds, and same as the land purchase.

Board Representative Norma Gonzalez, informed that LA County Supervisor Solis' office was in support of Pomona's efforts to combat homelessness. She expressed support for LASA's recommendation that Pomona receive \$1.5 million for the 100 crisis beds at the new centralized service center and recognized the immediate need for emergency shelter resources, and had worked with the CEO's office of the Homeless Initiative to move up the emergency shelter RFP process to December 2017 to help Pomona apply for funding as soon as possible.

Councilmember Torres spoke about encouraging cities to be proactive, as he was very concerned that the City would be inheriting the region's problems and he was wary of accepting funding that would obligate the City.

Representative Gonzalez stated that she would relay the message and commented that Supervisor Solis encouraged all cities to take responsibility for their own homelessness issues.

Mayor Sandoval added that on the Council of Governments, Rachel Barbosa was very clear that every city must take shared responsibility of this regional issue.

Councilmember Ontiveros-Cole asked when the point in time count was completed and when the next count would take place. She was informed by Director DeFrank that the count would take place in January, and occurred once per year.

Mayor Sandoval expressed his gratitude to the Heart Team and the work they do.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED 6-0-1-0 (COUNCILMEMBER ROBLEDO ABSENT) awarding a contract to TELACU Construction Management for Design-Build Services for the Essential Service Areas of “Year Round Emergency Shelter” Project No. 418-2590-XXXXX-71044, for an Amount Not to Exceed \$3,890,017.

7. Adoption of a Resolution Approving a First Amendment to Agreement of Purchase and Sale and Joint Escrow Instructions and Grant Deed to extend Developer time to initiate construction to April 15, 2019 Associated with Sale of Properties Located at the Southwest Corner of Garey Avenue and Seventh Street (APN's 8341 013 030, 8341 016 053 056) to M & A Gabae - Council District 2

RESOLUTION NO. 2017-151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AND THE CITY COUNCIL SITTING AS THE GOVERNING BOARD OF THE POMONA HOUSING AUTHORITY APPROVING FIRST AMENDMENT TO AGREEMENT OF PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS AND GRANT DEED WITH M & A GABAE LIMITED PARTNERSHIP

Councilmember Ontiveros-Cole expressed concerns about the request for an extension, and inquired if the land had been purchased in 2012.

Deputy City Manager Pelser responded that the deal to sell the property had been approved in 2012, and that escrow had closed in January, 2014.

Councilmember Ontiveros-Cole inquired and Deputy City Manager Pelser replied that he shared her frustration with some of the other properties; however, he noted that this particular property had been sold by the City at a time of fiscal crisis to the Charles Company as a way to generate money. He advised that he has been in constant contact with the Charles Company

about this property and they have been presented with challenges in trying to put together a project plan, as the property happened to intersect three different zoning designations and there is a Mosque in the middle. He stated it has been a challenge to meet the commercial needs and the planning goals of the City, that is why additional time has been necessary in order to negotiate all factors. He noted they are spending considerable design dollars, and recommended that Council grant the extension.

Councilmember Ontiveros-Cole was not in support of giving more time.

Councilmember Carrizosa asked and Deputy Director Pelsner responded that buying the property was the only leverage the City had. However, that would take expending general fund properties and engaging in reselling where a new buyer would want time. He stated that it would not benefit the City to repurchase and resell.

Councilmember Carrizosa expressed disappointment with the length of time the process had taken, but understood the situation. She asked Director Pelsner to share that Council was very serious about starting something within the given time.

Councilmember Torres inquired and Deputy Director Pelsner responded that the applicant were not present.

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY VICE MAYOR ESCOBAR, CARRIED 6-1-1-0 (COUNCILMEMBER ONTIVEROS COLE OPPOSED and COUNCILMEMBER ROBLEDO ABSENT) Adopting Resolution No. 2017-151 Approving First Amendment to Agreement of Purchase and Sale and Joint Escrow Instructions and Grant Deed with M & A Gabae Limited Partnership.

DISCUSSION CALENDAR

10. 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 Latino Art Museum in support of "Save Children Through Art" program Amount requested: \$2,100

- B) Amount to be determined to the Youth & Family Club of Pomona Valley in support of 49th Annual Achievement Awards Gala and club programming: Amount requested \$1,000

Mayor Sandoval requested the Council add the American Legion to the Findings of Public Benefit as it had come up after the posting of the agenda and required immediate action..

Councilmember Carrizosa requested Council add the Martin Luther King event in January as it had come up after the posting of the agenda and required immediate action.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR ESCOBAR, CARRIED 6-0-1-0 (COUNCILMEMBER ROBLEDO ABSENT) adding the American Legion and the Martin Luther King event to the Findings of Public Benefit as the matters had come up after the posting of the agenda and required immediate action.

- C) American legion, Amount Requested: \$500

- D) Martin Luther King event, Amount requested: TBD

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER TORRES, CARRIED 6-0-1-0 (COUNCILMEMBER ROBLEDO ABSENT) making a Finding of Public Benefit for Item 10 A through D.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Escobar requested a staff report on the purchase of Police body cameras for officers, the compatibility with existing technology in the vehicles and wireless connections, and about the lifespan and insurance of these cameras. She stated she would like to see this sooner, rather than later, and find funding to protect the City, officers and residents.

Mayor Sandoval inquired if it would be possible to have this report ready for the next Council meeting.

City Manager Lowry stated that Staff would make every effort to have it ready.

Councilmember Torres discussed the body cameras and expressed concerns about utilizing funds from savings or the General Fund

Councilmember Ontiveros-Cole stated that she had discussed the preferential parking problem with Councilmember Gonzalez and would like to set up a meeting with Public Works or Director McWade to discuss the issue. She requested a meeting to discuss fireworks issues, as they were having problems in her neighborhood as a result of a Dodger game.

Councilmember Carrizosa spoke about the zero waste ordinance and asked if it could be added to an agenda.

City Manager Lowry mentioned that she could try to move it forward. She suggested it be listed as a discussion item so that Council could be introduced to the meaning of a zero waste policy and to measure Council's interest as it applies to State Law and the additional constraints.

Mayor Sandoval stated there had been ongoing conversations about zero waste at the staff level and asked Director McWade to speak about the project to the Masters students at Cal Poly.

Director McWade stated that Dr. Brown had brought forward a Masters' student whose passion was zero waste and recycling. She informed that City staff was working with her on a project that would benefit both parties and included looking at zero waste and organics recycling, and helping to design a program for Pomona that would work for both commercial and residential.

Councilmember Gonzalez stated he spoke to individuals in the waste industry and he thought Pomona could take baby steps toward zero waste. He said the City of San Jose was providing smaller trash cans, forcing residents to throw less away.

Mayor Sandoval announced a clean-up the following day at 8:00 a.m. on the West Side of Holt Avenue.

Councilmember Ontiveros-Cole shared that she had emailed Director McWade informing her that storm drains on E. Holt, near Palomares, were blocked and full of trash and debris. She requested staff look at the drains and clean out, noting that other cities were using sandbags so nothing goes into the drains.

ADJOURNMENT

The City Council meeting was adjourned at 10:36 PM.

The next regular City Council meeting will be held on Monday, November 20, 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 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

DRAFT