



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
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, March 5, 2018

7:00 PM

Council Chambers

5:30 P.M.

CLOSED SESSION

Public Comment:

A. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

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

Sater Hajazi v. City of Pomona

Singleton v. City of Pomona

City of Pomona v. Sociedad Quimica Y Minera De Chile SA, et al.

B. 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))

C. 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

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Arnold Alvarez-Glasman stated that the City Council convened into Closed Session at 5:38 p.m., and that the items listed on the agenda had been announced prior to recessing into Closed Session. He reported the following:

All members of the City Council were present, except Vice Mayor Torres who arrived at 5:48 p.m., and Councilmember Robledo who arrived at 5:52 p.m.

Item A: The City Council received a briefing on all three items, and there was no final action taken. He noted that the Sater Hajazi v. City of Pomona item would appear on the Open Session under Item No. 10.

Item B: The City Council received a briefing on this item, direction was provided; however, no final action was taken, and there was nothing further to report.

Item C: The City Council received a briefing on this item, direction was provided; however, no final action was taken, and there was nothing further to report.

The City Council recessed from Closed Session.

7:00 P.M.

CALL TO ORDER

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

ROLL CALL

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
Arnold Alvarez-Glasman, City Attorney
Eva M. Buice, City Clerk
Genoveva Rocha, Deputy City Clerk

POSTING OF THE COLORS

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

PLEDGE OF ALLEGIANCE

Councilmember Robledo led the Pledge of Allegiance to the Flag

MAYOR/COUNCILMEMBER COMMUNICATIONS

In accordance with AB1234, the Mayor and Councilmembers reported on the following:

Councilmember Carrizosa thanked the volunteers that had participated in the Red Cross smoke detector program.

Councilmember Escobar reported that she had graduated from the inaugural class of the Water Education for Latino Leaders (WELL) in Sacramento on February 28, 2018. She commented on the Red Cross smoke detector program, and announced the St. Puppy's Day Extravaganza on March 17, 2018 at Phillip's Paw Park.

Councilmember Gonzales reported that he had participated in the Read Across America program for the Pomona United School District.

Mayor Sandoval congratulated Hilda Fulkner on her 108th birthday. He reported that he had the opportunity to participate in the Read Across America program, and thanked the Heart Team for their work to help clean-up the area around Holt Avenue and Reservoir Street.

CITY MANAGER COMMUNICATIONS

City Manager Lowry did not have anything to report.

PRESENTATIONS

- A. Approve and present a Proclamation proclaiming the month of March, 2018 as "American Red Cross Month"
- B. Approve and present a Proclamation proclaiming March 2018 as "National Nutrition Month" in the City of Pomona

The proclamation was presented to members of Day One Pomona.

PUBLIC PARTICIPATION

Douglas Pierce, Pomona, commented on street people, and trash along the railroad tracks on Fourth Street and Reservoir Street.

Daniel Lovanos, One Legacy ambassador, spoke regarding organ donations, and requested that the City Council proclaim April as DMV Donate Life month.

Rosie Hernandez, Claremont, expressed concern with the impact of a proposed three-story hotel on Foothill Boulevard and the community bordering Pomona and Claremont.

Deborah Clifford, Pomona Historical Society, provided the Monthly Pomona History report and spoke about Jose Antonio Perez and his impact on Pomona.

Andrea Yvette Lee, Pomona, spoke regarding the command to love God and love your neighbor.

Holly Reynolds, Fairplex representative, reported on various activities and events taking place at Fairplex, and announced the new Fairplex app.

Eric Moreno, Pomona, expressed concern with the condition of the community, the youth, and abandoned buildings.

James Galivan, Pomona, expressed concern with the streetscape change in front of the Fire House Inn, and the need to preserve Pomona's historical sites.

Felice Loverso, Casa Colina Hospital, expressed concern with the proposed ordinance regarding minimum wage for hospital workers, and mandates for infectious diseases at the hospital.

Elinor Crescenzi, Pomona, requested that the public be able to comment on Presentations, and the need for open dialog between the public and the City Council.

Randy Beckendam, Pomona, commended the City staff on the Zero Waste presentation that was made at the previous City Council meeting, and provided ideas for weed abatement on vacant lots.

Ms. Meza, Pomona, expressed concern with the living conditions at the apartments located in the city, and requested assistance from the city to mediate with the landlord. She noted that many residents had been served with eviction notices after reporting the conditions to Code Enforcement. The following individuals were also in support of the request, but did not wish to speak: Jose Diaz, Nicholas Predo, Ernestina Mendoza, Mr. Ybarra, Rita Serano, Miguel Flores, Alberto Andradi, and Cesar Ybarra.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the Consent Calendar except Item No. 2 which was pulled for Discussion.

1. Adopt a Resolution Amending "Major Street Rehabilitation - 2015 Metro Call," Project No. 428-2590-XXXXX-67918 within FY 2017-18 Capital Improvement Program (CIP) Budget by Reappropriating Series AX Bonds - District 2 (\$240,285), State Gas Tax (\$5,266), Prop C Funds (\$270,424), and Committing \$4,582,505 of Future Prop C Funds to the Project; Award Construction Contract to Hardy & Harper, Inc. for Phase 1, in the Sum of

\$3,839,000; and Authorize Construction Change Order Capacity Up to \$300,000

RESOLUTION NO. 2018-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET REAPPROPRIATING FUNDING FROM “STREET PRESERVATION - CITYWIDE (FY 16-17), PROJECT NO. 428-2590-XXXXX-67920 AND “EXCESS RDA BOND PROCEEDS ALLOCATION,” PROJECT NO. 428-2590-XXXXX-71041, COMMITTING PROP C FUNDS IN THE AMOUNT OF \$4,582,505 (OF WHICH \$2,100,000 IS MATCHING FOR THE 2015 METRO CALL FOR PROJECTS AND \$2,482,505 IS NON-MATCHING FUNDS), AND APPROPRIATING \$515,975 OF SERIES AX BONDS (DISTRICT 2 ALLOCATION), STATE GAS TAX FUNDS, AND PROP C FUNDS TO “MAJOR STREET REHABILITATION - 2015 METRO CALL,” PROJECT NO. 428-2590-XXXXX-67918

2. **THIS ITEM WAS PULLED FOR DISCUSSION.**
3. Adoption of a Resolution Establishing the Annual Consumer Price Index (CPI) Adjustment of Business License Taxes, Utility Users' Maximum Annual Taxes, and Income Levels for Qualifying for Residential Utility Users' Tax Exemptions

RESOLUTION NO. 2018-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING THE ANNUAL CONSUMER PRICE INDEX (CPI) ADJUSTMENT FOR BUSINESS LICENSE TAXES, UTILITY USERS' MAXIMUM ANNUAL TAXES, AND INCOME LEVELS FOR RESIDENTIAL UTILITY USERS' TAX EXEMPTION ELIGIBILITY

4. Approve the draft minutes of the regular meetings of June 5 and June 12, 2017 City Council meetings
5. Approval of Updated Special Legal Counsel Panel and Adjustment to the Hourly Rates for Legal Services Provided by McCune and Harber
6. Adoption of a Resolution in Support of the Reducing Crime and Keeping California Safe Act of 2018

RESOLUTION NO. 2018-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018

7. Second Reading and Adoption of an Ordinance Reauthorizing City Ordinance No. 4111 Pertaining to Collection of Public, Educational and Government (PEG) Access Support Fees and Amending Section 54-102 to Add Automatic Reauthorization

ORDINANCE NO. 4246

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, REAUTHORIZING AND AMENDING SECTION 54-102 OF THE CITY CODE PERTAINING TO THE ESTABLISHMENT AND COLLECTION OF PUBLIC, EDUCATION, AND GOVERNMENT (PEG) FEES

ITEMS PULLED FOR DISCUSSION

2. Adopt a Resolution Amending the FY2017-18 Capital Improvement Program (CIP) Budget by Creating a New CIP Project "City Stable Facility," Project No. 428-2590-xxxxx-71054; Receiving and Appropriating \$949,380 From Property Coverage Proceeds

RESOLUTION NO. 2018-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AMENDING THE FY2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CREATING A NEW CIP PROJECT, "CITY STABLE FACILITY," PROJECT NO. 428-2590-XXXXX-71054; RECEIVE AND APPROPRIATING \$949,380 FROM PROPERTY COVERAGE PROCEEDS

Public Works Director McWade provided a brief history of the stable, and the options for use of the funds.

Deborah Clifford, Historical Society of Pomona Valley, spoke regarding the loss of the historic building, and offered her services to help the Historic Preservation Commission, the Parks and Recreation Commission, and staff to prioritize other historical sites for funding.

Discussion ensued regarding moving the stable to the Phillips Mansion site or somewhere in the downtown area, and to receive recommendations from the Historic Preservation Commission and the Parks and Recreation Commission. Direction was provided to staff to obtain two estimates from Ray Adamick, one for a careful demolition of the building by salvaging the brick and creating an inventory for future use; and one to rebuild the stable on another site.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to adopt Resolution No. 2018-16.

DISCUSSION CALENDAR

8. Finding of Public Benefit to the Community at Large: Recommended Expenditures and Recap of Approved Funds

CURRENT REQUESTS:

- A) Amount to be determined to Pomona Eagles in support of their Special Olympics Golf Tournament - Amount requested: \$500
- B) Amount to be determined to purchase materials installs two Little Free Libraries in

District Four Neighborhoods - Amount requested: TBD

C) Amount to be determined to Decker Elementary School in support of Decker Fun Run and Festival - Amount requested: TBD

D) Amount to be determined to the Costanoan Rumsen Carmel Tribe in support of 26th Annual Ohlone "Big Time" Gathering & Pow Wow - Amount requested: \$2,430

Kelley Mendez, Pomona, provided a brief history of the Costanoan Rumsen Carmel Tribe, invited the City Council and the community to the event, and urged the City Council to support the request.

Chief Tony Cerda, Costanoan Rumsen Carmel Tribe, thanked the City Council for their past support of the event, and requested support for the upcoming event.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to approve the Find of Public Benefit to the Community at Large, Items A-D.

9. Appoint One Councilmember to Participate on the San Gabriel Valley Council of Governments (SGVCOG) Transportation Committee as the City's Representative, and One Councilmember as an Alternate to the Representative

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0, to appoint Mayor Sandoval to Participate on the San Gabriel Valley Council of Governments (SGVCOG) Transportation Committee as the City's Representative, and Vice Mayor Torres as an Alternate to the Representative.

10. Consideration of a Finding of Public Convenience or Necessity (PCN) to Allow the Sale of Beer and Wine (ABC License Type 20) for Off-site Consumption in Conjunction with a Convenience Store Located at 805 Rio Rancho Road

RESOLUTION NO. 2018-18

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 IN CONJUNCTION WITH A CONVENIENCE STORE LOCATED AT 805 RIO RANCHO RD

Development Services Director Suarez provided a brief report.

Mike Sater, owner, provided a brief history of his family's involvement in the community, their understanding of their responsibilities, and urged the City Council to approve the request.

Eric Lavon, Vice President of Sater Oil, noted that they are a commercial franchise operation, and are highly regulated by Arco BP and by the California Alcohol and Beverage Control department. He stated that they are committed to operating a top notch business, and requested that the City Council approve the PCN.

Elinor Crescenzi, Pomona, expressed concern with the way the high crime statistics were determined and high alcohol license density. She also noted the difficulty in accessing documents on the City's website.

Arturo Jimenez, Pomona, requested that staff and the City Council look at a different format for determining the density of alcohol licenses in the City considering the amount of high crimes in the areas around the various store locations. He stated that people did not feel safe shopping in Pomona.

Amos Young and Dan submitted speaker cards in support of the item; however, they did not wish to speak.

Councilmember Escobar, Councilmember Gonzales, and Vice Mayor Torres expressed support for approval of the PCN.

Councilmember Robledo stated that she was confident with the safety measures that were in place at the location.

Mayor Sandoval inquired and Mr. Lavon informed that all cashiers and clerks underwent the ABC Clerk Affidavit training, and the training was reemphasized every quarter. Mr. Lavon noted any sale of beer or wine required the scanning of the purchasers ID card, and that if they were not in the system, the sale was cancelled. He advised there were over 40 security cameras at the location to monitor all activity at the site.

Mayor Sandoval asked and Police Chief Oliveri advised that there were more crimes in that area due to the number retail businesses and shoplifting issues; however, it was considered to be a safe area.

Mayor Sandoval recognized the concerns of the community regarding the concentration of liquor licenses, and asked that staff bring back information regarding a joint task force to look at ways to minimize alcohol use by minors.

Councilmember Carrizosa agreed with Mayor Sandoval's request, and expressed the need to consider the overall impact on the area, not just the small area around the location.

MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-1-0-0 (COUNCILMEMBER CARRIZOSA OPPOSED), to adopted Resolution No. 2018-18.

PUBLIC HEARINGS

11. Conduct a Public Hearing Adopting a Resolution Approving the City of Pomona Housing Authority's FY 2018-2019 Annual Plan for Submission to the U.S. Department of Housing and Urban Development

RESOLUTION NO. 2018-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SITTING AS THE GOVERNING BOARD OF THE POMONA HOUSING AUTHORITY, APPROVING THE HOUSING AUTHORITY'S Fiscal Year 2018-2019 ANNUAL PLAN FOR SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, INCLUDING THE CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN FOR FY 2018-2019

Neighborhood Services Director DeFrank provided a brief presentation.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to Open the Public Hearing.

Amos Young submitted a speaker card in support of the item; however, he did not wish to speak.

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

MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 6-0-1-0 (MAYOR SANDOVAL ABSENT), to approved Resolution No. 2018-20.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Escobar requested that staff bring back a draft ordinance regarding medical marijuana and adult use marijuana within thirty days. She also requested that information be provided in the Thursday letter in order for the City Council to begin educating themselves on the matter.

Councilmember Ontiveros-Cole requested that staff bring back a report on the establishment of a Preferential Park District for the area of San Francisco Avenue and East Pasadena Avenue between Towne Avenue and San Antonio Avenue, as soon as possible.

Councilmember Robledo supported Mayor Sandoval's earlier requested regarding the formation of a task force to minimize the use of alcohol by minors. She requested a short presentation at the beginning of the next City Council meeting on the use of the City's website and how to access City Council agendas and staff reports.

Councilmember Gonzales announced that the Lighting Ceremony for the new lights at Kennedy Park would take place on Friday, March 9, 2018 at 6:00 p.m., and that opening day for the Pomona United Baseball Pony League would take place on Saturday, March 10, 2018 at 10:00 a.m.

Councilmember Carrizosa inquired and City Manager Lowry informed that staff was trying to work with the railroad to obtain permission to enter their property on Fourth Street and Reservoir Street in order to clean up the accumulated trash, and for the railroad to pay for the

cleanup.

Councilmember Ontiveros-Cole reported an increase of graffiti in the area of Alvarado Street and Towne Avenue, and requested that staff look into the matter.

Mayor Sandoval requested, and there was consensus by the City Council, to hold a Study Session on Monday, March 12, 2018, at 6:00 p.m. in order to receive as much information as possible regarding the proposed ordinance regarding the SCIU UHW ballot initiative involving Pomona Valley Hospital Medical Center and Casa Colina Hospital.

ADJOURNMENT

The City Council meeting was adjourned at 9:38 p.m.

The next Regular Meeting will be held on Monday, March 19, 2018, 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.

**In Memory of
Diane Forbing
and
Pastor Cedric Reynolds**

Respectfully submitted,

ATTEST:

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

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