



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
Vice-Mayor Rubio R. Gonzalez
Councilmember Victor Preciado
Councilmember Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember 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, February 25, 2019

7:00 PM

Council Chambers

Closed Session & Regular Meeting Agenda

5:30 P.M.

CLOSED SESSION

Public Comment:

A. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6)

Employee Organizations:

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

REPORT OUT FROM CLOSED SESSION

Interim City Attorney Marco Martinez reported that the City Council had convened into Closed Session at 5:30 p.m. with all members present and that the items listed on the agenda had been

announced prior to recessing into Closed Session with no public present.

He informed that a presentation was provided to the City Council by the City's Labor Negotiators Linda Lowry and Linda Matthews, direction was provided to the Labor Negotiators, and there was no further reportable action on the items listed on the agenda.

The City Council recessed from Closed Session at 6:50 p.m.

RECESS

The City Council recessed to the Regular Meeting of February 25, 2019, in the City Council Chambers, 505 S. Garey Avenue, Pomona, California. The Open Session will commence at 7:00 p.m.

7:00 P.M.

CALL TO ORDER

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

ROLL CALL

Present: 7 - Mayor Tim Sandoval
Vice-Mayor Rubio Gonzalez
Councilmember Victor Preciado
Councilmember Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert Torres

Staff Present: Linda Lowry, City Manager
Christi Hogin, Interim City Attorney
Rosalia A. Butler, MMC, City Clerk
Genoveva Rocha, CMC, Deputy City Clerk II

PLEDGE OF ALLEGIANCE

Veteran Pete Garcia led the Pledge of Allegiance to the Flag.

PRESENTATIONS

- C. Recognition of Ramiro Pinedo Jr., Pomona resident and one of thirty United States recipients of the prestigious Fulbright Research Grant award for the 2018-2019 year, to complete independent environmental research in Brazil

Mayor Sandoval and the City Council presented a Certificate of Recognition to the family of Ramiro Pinedo Jr., Pomona resident, for being a recipient of the Fulbright Research Grant award to complete independent environmental research in Brazil.

- B. Recognition of Western University Medical Students for their contribution to District 6 Senior Health Fair on January 17, 2019

Councilmember Torres requested that this item be continued to a future City Council meeting.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Vice Mayor Gonzalez spoke on the annual Laura Ingalls Wilder event held at the Pomona Public Library and the community meeting that was held in Las Brisas neighborhood.

Councilmember Ontiveros-Cole stated that she had attended Principal for the Day at Pomona High School and informed that the students in the new auto-body class perform tune-ups or oil changes for the public for free; she also spoke on the Hidden Treasures event hosted by the Pomona Historical Society at the Ebell Club and learned about Pomona.

Councilmember Lustro commented that he too had participated in the Pomona Unified School District and Pomona Chamber of Commerce sponsored event Principal for the Day at Decker Elementary School; he also expressed his thanks to Los Angeles Public Sanitation District employee Chris Palomino for the clean-up he and his staff performed in the area of former Spadra landfill after having contacted him regarding the appearance of the location.

Councilmember Preciado reminded the community to submit their applications for Pomona Beautification Day taking place on Saturday, April 27, 2019 and expressed that the event is a great way to interact with neighbors and the community.

Councilmember Torres expressed his gratitude to the City of Pomona, Mayor Sandoval, and Councilmembers Garcia and Ontiveros-Cole for their help in cleaning an alley in District 6. He informed the Carpenters union and a local church came out to help; he also thanked the HEART Team for their help addressing the homeless encampments. He informed an Area Commander Meeting in District 6 would take place February 26, 2019 and invited the residents to attend.

Councilmember Garcia announced that District 3 would be hosting a clean-up on March 2, 2019, and that items could be dropped off at Simons Middle School to be disposed of responsibly.

Mayor Sandoval spoke on the Pomona Reawakening Conference he attended and commented on the keynote speaker's speech where the speaker spoke on forgiveness and redemption; he expressed his thanks to everyone that helped with the event. Mayor Sandoval requested a consensus from the City Council to have City Staff work in conjunction with Pomona Placemaking

PRESENTATION

- A. Presentation of a Proclamation declaring February as Teen Dating Violence Awareness Month

At this time, the City Council presented a Proclamation to the House of Ruth Youth Advisory Committee declaring the month of February as Teen Dating Violence Awareness Month.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry spoke on the Pomona Reawakening Conference and the powerful message delivered by Mayor Sandoval; she expressed she was honored to serve him and the City Council.

PUBLIC PARTICIPATION

Selena Pacheco, Grid Alternatives, Proposed to the City Council to allow for a presentation on no solar cost installation program to inform residents on how they can save on electricity.

Orlando Arias, Pomona, commented that the unattractive box cars near Cal poly Pomona contribute to blight and make the City appear unruly.

Mayor Sandoval agreed that a concern should be voiced as to why the boxcars had been stationed for so long and that an alternate location should be found.

Denise Delgado, Assistance League of Pomona Valley (ALPV), spoke on the services provided by ALPV, the fundraisers that are put on throughout the year, and the \$85 yearly membership.

Benjamin Wood informed there had been a demonstration over the weekend to demand police accountability, transparency and justice to make the police department better; he also expressed his appreciation to Police Chief Olivieri and Mayor Sandoval for meeting to with him to discuss concerns.

Walter Marquez, Fairplex, spoke on upcoming events at the Fairplex and announced that the theme for the Fair would be *L.A. County Fair Goes Pop*.

M. Joyce Bakersmith, Pomona Willie White Park Focus Group commented that the heavy rains have affected the use of the community center due to a leak in the roof; she requested that the City review what updates need to be done at the park and community center.

Irene Aguirre, Pomona, spoke on the Aguilar family incident, the police department and the impacts that the incident has had on the City of Pomona residents.

Elinor Crescenzi, Pomona, spoke on the Christian Aguilar incident and justice.

John Mendoza, Three Valleys Water District, expressed his gratitude to Councilmember Torres for appointing him to the Vehicle Parking District Board; he invited the Council to the Three Valleys Water District Leadership Breakfast on Thursday, February 28, 2019.

Chujit Tam, Pomona, submitted a written statement and spoke on the number of accidents that have occurred at the intersection of Lincoln and Indian Hill Blvd.

Andrea Edwards, Pomona, spoke on prostitution and human trafficking; she applauded the Pomona Police Department for arresting those involved; she brought attention to the motels on Holt Ave. and the activity taking place at these locations.

Topen Punyodyana, Pomona, spoke on the vehicle accidents that have occurred on Indian Hill Blvd and Lincoln Ave., and requested that the City traffic signal be added to the area.

Ebilco Pongsavas, Pomona, also spoke on the traffic accident on Lincoln Ave. and Indian Hill Blvd, he expressed that the area is dangerous for pedestrians as well due to the speed of traffic in the area.

CONSENT CALENDAR

Approval of the Consent Agenda

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the Consent Calendar and pull Item Nos. 2 and 4 for discussion

1. Approval of City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes

It is recommended that the City Council approve the following City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes:

April 23, 2018 Regular Meeting Minutes
April 30, 2018 Special (Workshop) Meeting Minutes
May 21, 2018 Regular Meeting Minutes
June 4, 2018 Regular Meeting Minutes
July 9, 2018 Special Meeting Minutes
August 1, 2018 Special Meeting Minutes
October 1, 2018 Regular Meeting Minutes
October 22, 2018 Special Meeting Minutes
November 7, 2018 Special Meeting Minutes
November 30, 2018 Special Meeting Minutes
January 7, 2019 Regular Meeting Minutes
February 4, 2019 Regular Meeting Minutes

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes

2. Citizens Oversight Committee Bylaws

It is recommended that the City Council Review and Approve the Citizens Oversight Committee Bylaws

This item was pulled for discussion and a separate vote.

Ann Tomkins, Pomona, expressed her concerns regarding the bylaw provisions, specifically the 6/7 votes required to select a Chair, and the frequency of committee meetings held in the year; she commented that two meetings per year was not sufficient.

Mayor Sandoval inquired and Acting Finance Director Andrew Mowbray stated the frequency of meetings is consistent with the Ordinance, which stated the committee was to meet annually, and Staff enacted two meetings a year the first being in April, mid-year, and in September which would include a preview of unaudited figures for the tax measure; he stated the bylaws do allow for Special meetings; he explained that the 6/7 votes could be revisited.

Councilmember Torres stated he was under the impression that the committee would be meeting monthly, if not quarterly; he suggested Staff revisit the item and make the necessary revisions, and bring it back to the City Council at the March 4, 2019, meeting.

City Manager Linda Lowry commented that Staff could provide suggestions and justifications for Staff recommendations.

Councilmember Gonzalez stated that he believed the bylaws were fashioned after the City's other seven commission bylaws and that the commissions also experienced issues with the 6/7 votes; he commented the issue had been brought up in the past and was hoping that it could be addressed with this committee and all the City's Commissions.

Mayor Sandoval commented that the formation of the committee was an important decision made by the voters and want the process to be open and transparent; he requested that the item be continued to the March 4, 2019, City Council meeting.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED 7-0, to continue the item to the March 4, 2019, for further review by Staff regarding the selection of a Chair and meeting frequency of the board.

3. Approve Amendment No. 1 to the Agreement Between the City of Pomona and the San Gabriel Valley Council of Governments (SGVCOG), Formerly Alameda Corridor East (ACE) Construction Authority, Regarding Traffic Signal Work for "Safety Improvements - At-Grade Crossing", Project No. 428-2590-xxxxx-685551

It is recommended that the City Council take the following actions:

- 1) Approve Amendment No. 1 to the agreement between the City of Pomona and SGVCOG, formerly ACE, regarding traffic signal work for "Safety Improvements - At-Grade Crossing", Project No. 428-2590-xxxxx-685551; and
- 2) Authorize the Mayor to execute Amendment No. 1 and future amendments to this agreement, subject to review by the City Attorney

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to Approve Amendment No. 1 to the agreement between the City of Pomona and SGVCOG, and Authorize the Mayor to execute Amendment No. 1 and future amendments to this agreement, subject to review by the City Attorney.

4. Award an Extension of a Current Agreement with MCE Corporation for Three Months in an Amount not-to-exceed \$323,072 for Landscape and Park Amenity Maintenance and Additional Related Services

It is recommended that the City Council take the following actions:

- 1) Approve a three-month extension of a current agreement with MCE Corporation in the amount not-to-exceed \$323,072 for landscape and park amenity maintenance and additional related services; and
- 2) Authorize the City Manager, or her designee, to execute the extension to the contract on behalf of the City, subject to review by the City Attorney.

This item was pulled for discussion by Councilmember Lustro.

Councilmember Lustro inquired and City Manager Linda Lowry informed that Staff could provide the City Council with an estimate of what the cost would be to bring a crew back in-house and the accompanying equipment cost, etc.

Councilmember Lustro expressed that he knew the estimate would not be exact, but that he would like to have a comparison.

Councilmember Garcia inquired and City Manager Lowry stated that the City Council can request an increase in services and that the bid could be prepared in a way that certain components can be increased based on optional or added services.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to Approve a three-month extension of a current agreement with MCE Corporation in the amount not-to-exceed \$323,072 for landscape and park amenity maintenance and additional related services; and Authorize the City Manager, or her designee, to execute the extension to the contract on behalf of the City, subject to review by the City Attorney.

5. Annual Audit Report, Fiscal Year Ended June 30, 2018

It is recommended that the City Council receive and file the Annual Audit Report.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to receive and file the Annual Audit Report

6. Amendment of the FY 2018-19 South Garey Assessment District Operating Budget for Replanting South Garey Avenue Medians

It is recommended that the City Council take the following actions:

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-16 - A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 SOUTH GAREY ASSESSMENT DISTRICT OPERATING BUDGET BY APPROPRIATING \$3,680 FROM AVAILABLE RESERVES FOR REPLANTING SOUTH GAREY AVENUE MEDIANS; and

2) Authorize work (replanting the South Garey Avenue Medians) to be performed by MCE Corporation, the current contractor for median landscaping.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to Adopt RESOLUTION NO. 2019-16 AMENDING THE FY 2019-20 SOUTH GAREY ASSESSMENT DISTRICT OPERATING BUDGET BY APPROPRIATING \$3,680 FROM AVAILABLE RESERVES FOR REPLANTING SOUTH GAREY AVENUE MEDIANS; and authorizing work (replanting the South Garey Avenue Medians) to be performed by MCE Corporation, the current contractor for median landscaping

7. Award of Contract to Housing Programs Contractor for the City's Various Housing Rehabilitation Programs

It is recommended that the City Council take the following actions:

- 1) Award a Contract to the Housing Programs Contractor as the Lead Remediation/Abatement Program Consultant for the City's Various Housing Rehabilitation Programs in an amount not to exceed \$93,000;
- 2) The term of the Agreement to be 3 years, plus 2 additional option years; and,
- 3) Authorize the City Manager, or her designee, to execute the contract and amendments thereto, subject to review by the City Attorney.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, Award a Contract to the Housing Programs Contractor as the Lead Remediation/Abatement Program Consultant for the City's Various Housing Rehabilitation Programs in an amount not to exceed \$93,000; the term of the Agreement to be 3 years, plus 2 additional option years; and, Authorize the City Manager, or her designee, to execute the contract and amendments thereto, subject to review by the City Attorney

8. Amend Award of Bid to Include Sales Tax for the Purchase of Service Weapon Ammunition in the Amount of \$11,066

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to Amend Award of Bid to Include Sales Tax for the Purchase of Service Weapon Ammunition in the Amount of \$11,066

9. Approve second amendment to extend the professional services agreement with RMC for development of the Water, Sewer and Recycled Water Strategic Plan

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to Approve second amendment to extend the professional services agreement with RMC for development of the Water, Sewer and Recycled Water Strategic Plan

DISCUSSION CALENDAR

10. Finding of Public Benefit to the Community at Large for Recommended Expenditures and Recap of Expended Funds

It is recommended that the City Council take the following actions:

1) Approve the expenditures recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for recommended items; and,

2) Receive and file the recap of final amounts for previously approved projects/activities.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, making a Finding of Public Benefit to the Community at Large for Recommended Expenditures and Received and Filed the Recap of Expended Funds for Items A through I as listed on the Staff report

11. Commercial Cannabis Regulation Ordinance

It is recommended that the City Council take the following actions:

1) Introduce and give first reading of the following ordinance:

ORDINANCE NO. 4257- AN ORDINANCE OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE POMONA CITY CODE BY ADDING CHAPTER 68, "COMMERCIAL CANNABIS BUSINESSES"

2) Direct staff to draft zoning ordinance amendments to allow certain commercial cannabis businesses in specified zones to be heard by the Planning Commission and direct that the Commission conduct a public hearing and make recommendations regarding the amendments; and

3) Direct staff to present the Planning Commission's recommendations on amendments to the Zoning Code to address Commercial Cannabis Uses, in the form of an ordinance, to the City Council at a duly noticed public hearing, and also present for Council consideration a resolution establishing the maximum number and types of commercial cannabis businesses to be allowed in specified zones.

Interim City Attorney Marco Martinez gave a brief presentation on the Commercial Cannabis Regulation Ordinance and informed that the companion Ordinance that will include the Zoning requirements would be presented to the Planning Commission.

Mark Ramos, requested that the City Council add whistleblower language that protects employees when they report illegal activity; he asked that the local hire, living wages, and access to an apprenticeship, language not be coupled with the Labor Peace Agreement; he also expressed that applicants that have a collective bargaining agreement in place receive extra points in the application scoring.

Edmond Melendez stated that his question had been addressed and he no longer wished to speak.

Ann Henderson, Partnership for a Positive Pomona, expressed her recommendations to strengthen the Cannabis Ordinance, and suggested prevention training for store clerks, child-proof packaging, and no smoking allowed in public parks.

Jonath Cuetko, expressed his concerns over the requirement of having a property secured for a business location prior to being selected; he informed that applicants in other cities where this is a requirement have run into issues.

Chris Egger, Congratulated the City of Pomona in doing a thorough job in vetting and considering regulated cannabis operation within the city's boundaries; he informed he had met with the business owner that received the first cannabis permit in the City of Santa Barbara and was thoroughly explained the process the applicant went through to obtain the permit; he informed that he and his company are ready to apply for a permit in the City of Pomona.

Catalina Gonzalez, Prevention Director for Day One, thanked the City Council for having careful consideration and thoughtfulness when approaching the cannabis ordinance; she expressed that they support the decision of the voters, and suggested limiting the number of retailers such as the City of Pasadena to only allow one per district.

Marcos Molina, Project Coordinator for Day One, spoke on concerns regarding how marijuana has impacted the local high schools and the marijuana products that are readily available to the youth; he suggested having a community commission to overlook the marketing of marijuana retailers.

During the discussion, the City Council expressed concern about the following items:

- 1) Retaliation/Whistleblower Protection
- 2) Revolving Door Prohibition
- 3) Disqualification for Prior Violations
- 4) Disclosure of Lobbying Activities
- 5) Locally owned business preference
- 6) Dedication of Revenue to Enforcement & Education Programs
- 7) Expansion of notice to the community
- 8) Consideration of Mayor and Councilmembers Comments
- 9) Process Integrity Provision
- 10) Tie Breaker System
- 11) Updated Labor Peace Agreement Language
- 12) Collective Bargaining Agreement Language
- 13) FPPC Form 700 Requirement

Following discussion, the City Council expressed that they were pleased with the Ordinance, but requested some changes related to items they had discussed.

The City Council directed Staff to revise the Ordinance to include language that addressed their concerns and to present the revised Ordinance at the March 4, 2019, Regular City Council meeting.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER TORRES, CARRIED 6-0-1-0 (COUNCILMEMBER PRECIADO WAS ABSENT), to Continue the Item to the March 4, 2019 Regular City Council meeting to allow Staff to incorporate the City Council's recommendations.

PUBLIC HEARINGS

12. Establishing an ordinance to create a Community Choice Aggregation (CCA), and award an agreement with California Choice Energy Authority in an amount not to exceed \$160,000 to provide CCA implementation services

ORDINANCE NO. 4256

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING A COMMUNITY CHOICE AGGREGATION PROGRAM PURSUANT TO THE PUBLIC UTILITIES CODE

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to Open the Public Hearing.

There were no public speakers present.

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

Water Resources Director Darron Poulsen provided a brief presentation on the background to create a Community Choice Aggregation (CCA).

The City Council discussed the benefits, risks, and lower costs associated with the CCA.

Following the discussion the City Council supported establishing an Ordinance to create a CCA.

MOTION BY COUNCILMEMBER TORRES, SECOND BY MAYOR SANDOVAL, CARRIED 7-0, to introduce, and give the First Reading of the following ordinance: ORDINANCE NO. 4256- ESTABLISHING AN ORDINANCE TO CREATE A COMMUNITY CHOICE AGGREGATION ("CCA") PROGRAM; Award a sole source professional services agreement with California Choice Energy Authority (CalChoice) to provide community choice aggregation (CCA) implementation services in an amount not to exceed \$160,000 and; Authorize the City Manager to execute the Agreement and any related documents, subject to review by the City Attorney.

MATTERS INITIATED BY CITY COUNCILMEMBERS

The Mayor or members of the City Council requested items for future City Council consideration.

ADJOURNMENT

The City Council meeting was adjourned at 9:42 p.m. on Monday, February 25, 2019.

Respectfully submitted,

ATTEST:

ROSALIA BUTLER, MMC
City Clerk/Secretary of the Pomona
Housing Authority/Successor Agency to the
Agency to the Redevelopment Agency

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