



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, February 26, 2018

7:00 PM

Council Chambers

5:30 P.M.

CLOSED SESSION

Public Comment:

A. PUBLIC EMPLOYEE EVALUATION

(Pursuant to Government Code Section 54956(b)(1))

City Manager, City Attorney, City Clerk

B. PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Government Code Section 54956(b)(1))

Chief of Police

C. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

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

Singleton v. City of Pomona

D. 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))

**E. 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

**F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code Section 54956.8)**

Property: VPD Lot 2, APN 8336-021-901
Successor Agency APNs 8336-026-904 & 905
Housing Authority APN 8336-026-900 thru 903
Negotiating Party: Triad Ventures
City/Successor Agency's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

Property: VPD Lot 1, APN 8336-022-901
Negotiating Party: Clearwater 1, LLC
City's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

Property: VPD Lot 5, APN 8341-002-904
105 S. Park, APNs 8341-002-904, 012 & 013
Negotiating Party: M & A Gabee
City's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

Property 101 W. Mission, APNs 8341-008-912 thru 917
Negotiating Parties: John Pena, LLC, Value Add Properties, LLC and MCA Properties
Successor Agency's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

Property: VPD Lots 6 & 7 (APNs 8341-003-901 and 8341-004902);
Vacant VPD Lots (APNs 8341-003-903, 904, 905, 906, 907, 908 and 909);
The Gist Building (APN 8341-003-902)
Negotiating Party: Maya Cinemas
City's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

Assistant City Attorney Jared stated that the City Council convened into Closed Session at 5:40 p.m., and 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.

Item A: This item was discussed; however, there was no final action taken, and nothing further to report.

Item F - 101 W. Mission: This item was discussed and direction was provided to bring back additional information, and the item will be coming back on a future agenda; however, there was no final action taken, and there was nothing further to report.

Item C: This item was not discussed and it will not be coming back on the agenda when the City Council recesses back into Closed Session following the Open Session.

Item D-F: These items will be discussed when the City Council recesses back into Closed Session following the Open Session.

Item B: Assistant City Attorney turned this item over to the City Manager for an announcement.

City Manager Lowry announced that the City Council had approved her appointment of Interim Police Chief Michael Oliveri, and welcomed him as the newest Police Chief of Pomona.

Newly appointed Police Chief Oliveri stated that he loved the Pomona Police Department and the City of Pomona just as much now as he did when he first started as a 21 year old police officer, and that he was honored and humbled to be the City's Police Chief. He noted that he would be tough on crime, but would be compassionate and respectful. He emphasized that he believed that he served at the pleasure of the City Manager and the City Council, and was accountable to them and to the people of Pomona. He thanked the City Manager and the City Council for appointing him as the Chief of Police.

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 Garey High School JROTC Color Guard.

PLEDGE OF ALLEGIANCE

Councilmember Ontiveros-Cole led the Pledge of Allegiance to the Flag.

PRESENTATIONS

- A. Presentation of Goddess Award to Carlos Goytia for service on the Parks and Recreation Commission

The Goddess Award was presented to Carlos Goytia.

- B. Presentation of Certificates of Recognition

A Certificate of Recognition was presented to James Galivan on behalf of his wife Mickey Galivan.

- C. Receive and File a Presentation Regarding the Planning Efforts for the CicLAvia Event to be Held in Pomona and Three Surrounding Communities on April 22, 2018

City Engineer Guerrero provided the presentation.

- D. Presentation on Zero Waste

Public Works Director McWade and Solid Waste Manager Perez provided the presentation.

MAYOR/COUNCILMEMBER COMMUNICATIONS

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

Councilmember Escobar reported that she had attended the Sociable Cities Conference in New Orleans. She noted that she would be graduating from the Water Education for Latino Leaders (WELL) the following week, and would be making a presentation to the California State Legislature regarding the Human Right to Water Act (SB623) and other water issues in the near future.

Councilmember Robledo reported that she had also attended the Sociable Cities Conference in New Orleans, along with Councilmember Escobar and a number of other staff members.

Councilmember Carrizosa stated that she had attended the Clean and Green tree planting event on Saturday, February 24, 2018, and thanked all the volunteers that had worked to plant trees at Philadelphia School and other locations in the City.

Councilmember Ontiveros-Cole noted that she had attended the Vietnamese New Year Celebration, the retirement party for Mickey Galivan, President of the Pomona Valley Historical Society, and the groundbreaking ceremony for the YMCA.

Vice Mayor Torres stated that he had attended the Willie White Community Group meeting, and the YMCA groundbreaking ceremony. He noted that he had taken part in the Congressional Youth Academy, and had been able to speak to and engage with a number of high school age community leaders. He reported that he had attended the District 5 community meeting, and would be attending community meetings in other districts in an effort to learn what the issues were in other areas of the City.

Councilmember Gonzales reported that he had attended the Vietnamese New Year Celebration, the YMCA groundbreaking ceremony, the retirement dinner for Mickey Galivan, the Clean and Green tree planting event, the community clean-up event on Saturday, the Student Forum at Cal Poly Pomona, the new Sunday morning Farmers Market, and the 50th Anniversary for the Inland Valley Hope Partners organization.

Mayor Sandoval advised that he had participated in the community clean up in the Angela-Chanslor area, and had attended the Pomona Premier Youth Soccer League opening day. He announced that a Children's Festival would take place on May 19, 2018 at the Civic Center.

CITY MANAGER COMMUNICATIONS

City Manager Lowry did not have anything to report.

PUBLIC PARTICIPATION

Elinor Crescenzi, Pomona, thanked staff for the Zero Waste presentation, and urged the City Council to look at local solutions for dealing with organic waste.

Erin Runyon, Pomona, urged the City Council to take a proactive approach to zero waste in a community oriented way.

Lucas Rivera, Fairplex representative, announced that the 2018 theme for the Fair would be "Get Your Kicks at the L.A. County Fair," in reference to the famed Route 66.

Christine Lojero and Ms. Bion requested that some type of traffic control be installed at the intersection of Lexington and San Antonio Avenues, and noted that there had been three hit and run accidents in the intersection since December, and their father had lost two vehicles in one week as a result.

Michael D., American Red Cross representative, provided information on various programs that they were offering in the City.

Virginia Madrigal, Pomona, expressed concern with pedestrian safety, lack of street lights, poorly marked traffic control lines, and lenient laws regarding hit and run accidents.

Randy Beckendam, Pomona, provided information regarding a program in McKinney, Texas, which provides food for the underprivileged through education programs and community gardens.

Alfredo Edmond, Pomona, expressed concern with the poor state of the sidewalks in the City, and offered to help in any way he could to address the issue.

Lee Moonen, Pomona, urged the City Council to consider adopting the resolution that had been brought forth by United Voices of Pomona for Environmental Justice regarding reducing waste in the City.

The following individuals urged the City Council to consider amending Section 58 of the Pomona City Code regarding designated truck routes:

Ron Cobus
Lisa Engdahl

Kyle Brown
Stewart Neeley

Nora Garcia

CONSENT CALENDAR

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to Approve the Consent Calendar except Item No. 2 which was pulled for discussion.

1. Approve an Award of Bid to Pure Technologies US Inc. dba Wachs Water Services Inc., for Water Meter GPS Survey Services, in the Amount of \$297,000 for "Meter Replacement - Advanced Metering Infrastructure" Project No. 422-8125-XXXXX-8301

2. THIS ITEM WAS PULLED FOR DISCUSSION.

3. Adopt a Resolution Approving Program Supplement Agreement No. F020 with Caltrans to Receive \$45,000 of Highway Safety Improvement Program (HSIP) Funds and Amending the FY 2017-18 Capital Improvement Program (CIP) Budget by Appropriating HSIP Funds in the Amount of \$45,000 for "Traffic Signal Improvements - Towne Avenue & Philadelphia Street and Garey Avenue & Philadelphia Street," Project No. 428-2590-XXXXX-68549

RESOLUTION NO. 2018-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT - NO. F020 WITH CALTRANS TO RECEIVE \$45,000 IN HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDING AND AMENDING THE 2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING THE HSIP FUNDS TO "TRAFFIC SIGNAL IMPROVEMENTS - TOWNE AVENUE & PHILADELPHIA STREET AND GAREY AVENUE & PHILADELPHIA STREET," PROJECT NO. 428-2590-XXXXX-68549

4. Adopt a Resolution Approving Lot Merger LM4-2017 of Portions of Lots 5, 6 and 7, Block 4 of Leslie's Subdivision of the East One-Half of Block 198 of the Pomona Tract, Recorded in Book 24 Page 85 of Miscellaneous Records, County of Los Angeles, Assessor Parcel Number 8326-011-007, for Expansion of an Existing Vehicle Sales Facility Located at 1119 E. Mission Boulevard Onto the Adjoining Property Located at 1137 E. Mission Boulevard, Pomona, CA (Council District 3)

RESOLUTION NO. 2018 -8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM4-2017 OF PORTIONS OF LOTS 5, 6, AND 7, BLOCK 4 OF LESLIE'S SUBDIVISION OF THE EAST ONE-HALF OF BLOCK 198 OF THE POMONA TRACT, RECORDED IN BOOK 24 PAGE 85 OF MISCELLANEOUS RECORDS, COUNTY OF LOS ANGELES, ASSESOR PARCEL NUMBER 8326-011-007, FOR EXPANSION OF AN EXISTING VEHICLE SALES FACILITY LOCATED AT 1119 E. MISSION BOULEVARD ONTO THE ADJOINING PROPERTY LOCATED AT 1137 E. MISSION BOULEVARD, POMONA, CA (DISTRICT 3)

5. Award of Bid for an Initial Three-Year Term, with Two, One-Year Extension Options to Vista Paint Corporation for Graffiti Paint and General Paint and Supplies and to International Coatings Company, Inc. for Traffic Marking Paint
6. Adopt a Resolution Amending the FY 17-18 Adopted Operating Budget by Appropriating an additional \$20,000 from General Fund Reserves for the completion of a 10-Year Fiscal Sustainability Plan and Reimbursement Model with Urban Futures, Inc. (UFI) and \$25,000 from General Fund Reserves to fund additional work done by Colantuono Highsmith Whatley, PC Attorneys to assist with the Reimbursement Model; and Amending the Contract with UFI to complete the Development of a 10-Year Fiscal Sustainability Plan.

RESOLUTION NO. 2018-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 17-18 ADOPTED OPERATING BUDGET BY APPROPRIATING AN ADDITIONAL \$20,000 FROM GENERAL FUND RESERVES FOR THE COMPLETION OF A 10-YEAR FISCAL SUSTAINABILITY PLAN AND REIMBURSEMENT MODEL WITH URBAN FUTURES, INC. (UFI) AND \$25,000 FROM GENERAL FUND RESERVES TO FUND ADDITIONAL WORK DONE BY COLANTUONO HIGHSMITH WHATLEY, PC ATTORNEYS TO ASSIST WITH THE REIMBURSEMENT MODEL; AND AMENDING THE CONTRACT WITH UFI TO COMPLETE THE DEVELOPMENT OF A 10-YEAR FISCAL SUSTAINABILITY PLAN

7. Adopt a Resolution Authorizing the Acceptance of Two Continuum of Care Program Grant Awards from the U.S. Department of Housing and Urban Development totaling \$1,286,636 in Grant Funding

RESOLUTION NO. 2018-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, Authorizing the Acceptance of Two Continuum of Care Program Grant Awards from the U.S. Department of Housing and Urban Development Totaling \$1,286,636 in Grant Funding

8. Adopt an Urgency Ordinance and First Reading 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. 4245

AN URGENCY 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

ORDINANCE NO.

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

9. Adopt a Resolution Approving the sale of Property in the 1600 Block of West Mission Boulevard in Pomona, California (APN's 8349-002-900, 8349-002-901, 8349-002-902 & 8349-003-900) to Golden Ticket Mission 71, LLC, for the Purchase Price of \$565,000 – Council District 1

RESOLUTION NO. SA 2018 -2

A RESOLUTION OF THE CITY COUNCIL, SITTING AS THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE SALE OF PROPERTY IN THE 1600 BLOCK OF WEST MISSION BOULEVARD IN POMONA, CALIFORNIA (APN'S 8349-002-900, 8349-002-901, 8349-002-902 & 8349-003-900) TO GOLDEN TICKET MISSION 71, LLC., FOR THE PURCHASE PRICE OF \$270,00

- 10.** Authorization to the American Red Cross for use of the City Seal in Support of their Sound the Alarm - Save a Life Free Smoke Alarm Program
- 11.** Approve the Operations and Maintenance Agreement for the Sewer Lot with the Department of Toxic Substances Control, for "City Lot Remediation" Project No. 418-2590-XXXXX-71021
- 12.** Adopt Resolutions 1) Amending the Memorandum of Understanding (MOU) with the Pomona Mid-management/Confidential Employee Association (PMMCEA) and Adjusting Authorized Staffing Levels in the Fiscal Year 2017/18 Operating Budget, 2) Amending the 2016-17 Memorandum of Understanding (MOU) with the Pomona City Employees Association Teamsters Local 1932 (PCEA) and Adjusting Authorized Staffing Level in the Fiscal Year 2017/18 Operating Budget, and 3) Amending the Citywide Salary Schedule To Make Classification Changes in the Development Services, Neighborhood Services, Public Works, and Human Resources Departments

RESOLUTION NO. 2018-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDIX B OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA MID-MANAGEMENT / CONFIDENTIAL EMPLOYEES' ASSOCIATION AND AMENDING THE AUTHORIZED STAFFING LEVELS IN THE NEIGHBORHOOD SERVICES, PUBLIC WORKS AND HUMAN RESOURCES DEPARTMENT FOR THE FISCAL YEAR 2017-2018 OPERATING BUDGET BY THE ACTIONS LISTED HEREIN

RESOLUTION NO. 2018-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDIX B OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA CITY EMPLOYEES' CHAPTER OF THE TEAMSTERS LOCAL 1932 TO CHANGE THE TITLE OF REHABILITATION SPECIALIST IN THE NEIGHBORHOOD SERVICES DEPARTMENT AND CREATE THE CLASSIFICATION OF PLANNING TECHNICIAN IN THE DEVELOPMENT SERVICES DEPARTMENT

RESOLUTION NO. 2018-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AMENDMENTS TO THE CITY OF POMONA'S SALARY SCHEDULE TO MEET THE CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 2, SECTIONS 570.5 AND 571

13. Authorization to Increase Expenditures over \$30,000 for Purchase Order #20003700 with Absolute Security International, Inc. in the Amount of \$41,000 for Security Services at 1390 and 1400 East Mission Blvd.

ITEMS PULLED FOR DISCUSSION

2. Adopt a Resolution Approving Lot Merger LM10-2017 and Lot Line Adjustment LLA2-2017 of Portions of Lots 11, 12, 19 and 20 of Hutchinson's Subdivision of Lots 5, 8 and 11 of the Bingham Tract, Recorded in Book 26, Page 66 of Miscellaneous Records, County of Los Angeles, Assessor Parcel Numbers 8336-007-018, 8336-008-009 and -001, for Parking Compliance of the Commercial Properties Located at 776-808 N. Garey Avenue, Pomona, CA (Council District 4)

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, APPROVING LOT MERGER LM10-2017 AND LOT LINE ADJUSTMENT LLA2-2017 OF PORTIONS OF LOTS 11, 12, 19, AND 20 OF HUTCHINSON'S SUBDIVISION OF LOTS 5, 8, AND 11 OF THE BINGHAM TRACT, RECORDED IN BOOK 26, PAGE 66 OF MISCELLANEOUS RECORDS, COUNTY OF LOS ANGELES, ASSESSOR PARCEL NUMBERS 8336-007-018, 8336-008-009 AND -001, FOR PARKING COMPLIANCE OF THE COMMERCIAL PROPERTIES LOCATED AT 776-808 N GAREY AVENUE, POMONA, CA (COUNCIL DISTRICT 4)

Ann Tomkins, Historic Preservation Commissioner (HPC), expressed concern that the Commission had not had an opportunity to review the Lot Line Adjustment request, and that moving the lot line would impact future historic restoration of the property at 797 Bradford Street. She requested that the item be continued until such time as the Commission had an opportunity to review the request.

Development Services Director Suarez stated that any physical changes to an historic home in the Lincoln Park Historic District would require approval of the HPC; however, approval was not required for a lot line adjustment.

Ms. Tompkins inquired and Director Suarez informed that the change in the boundary of the property did not change the boundary line of the Lincoln Park Historic District. She expressed concern that changing the property line would prevent the ability to restore the property back to what it was in 1909 when it was built.

Mr. Warren, Applicant, noted that former Planning Manager Brad Johnson had suggested that he request the lot line adjustment in order to bring the current parking area into compliance, and noted that the line was just being moved a few feet with no changes being made to the house. He requested that the City Council approve the request.

Councilmember Ontiveros-Cole expressed concern that the request had not been taken to the HPC for review, and made a motion to send the requested to the Commission; however, it died for lack of a second.

Assistant City Attorney Jared stated that there was no requirement for a lot line adjustment to go before the HPC, and that the request had been processed in the proper way according to current code standards. He noted that the request moved the lot line to where the current wall was located.

Discussion ensued as to whether the property on Bradford Street had been exempted from the Historic District, and whether it required HPC review. Following the discussion it was decided to send the item back to staff for further clarification, and continue it to the March 5, 2018 City Council Meeting.

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to Continue the Item to the March 5, 2018, Regular City Council meeting.

DISCUSSION CALENDAR

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

CURRENT REQUESTS:

- A) Amount to be determined to Urban Revive Project in support of their 5th Annual Community Outreach for Mothers - Amount requested: \$1,000
- B) Amount to be determined to Kennedy Austin Foundation in support of their 12th Annual Million Mothers March - Amount requested: \$750
- C) Amount to be determined to Pony United Youth Baseball League toward expenses related to new lighting expenses at Kennedy Park baseball field - Amount requested: \$1,000
- D) Amount to be determined to the Pomona Unified School District in support of their first S.T.E.A.M. Rally - Amount requested: \$500
- E) Amount to be determined to purchase materials to install four Little Free Libraries in District One parks - Amount requested: TBD
- F) Amount to be determined to purchase equipment for the Kennedy Park Teen Center - Amount requested: TBD
- G) Amount to be determined to Pomona Premier Youth Soccer League in support of programming - Amount requested: TBD

Ysendia from Pomona United Pony Youth Baseball League, thanked everyone in the community for the support that they had received after all of their equipment had been stolen, and requested that the City Council approve the request for new lighting at Kennedy Park.

Concerned parent from Pomona, urged the City Council to approve the request for lighting at Kennedy Park.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to approve the Findings of Public Benefit to the Community at Large, Items A-G.

NOTE: At the request of Mayor Sandoval, and by consensus of City Council, Item No. 17 was considered prior to Item No. 15.

NOTE: Councilmember Escobar left the meeting following the discussion of Item No. 17.

15. Annual Audit Reports, Fiscal Year Ended June 30, 2017

Finance Director Jones, Accounting Manager Anderson, and representatives from the auditing firm, the Pun Group, provided a brief report.

MOTION BY COUNCILMEMBER GONZALES, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR ABSENT) to receive and file the Annual Audit Reports, Fiscal Year Ended June 30, 2017.

16. Appoint One Council Member to Participate on the Spadra Basin Groundwater Sustainability Agency's Executive Committee as the City's Representative, and an Alternate to the Representative

MOTION BY VICE MAYOR TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 6-0-0-1 (COUNCILMEMBER ESCOBAR ABSENT) to appoint Councilmember Escobar to Participate on the Spadra Basin Groundwater Sustainability Agency's Executive Committee as the City's Representative, and Councilmember Gonzalez as the Alternate to the Representative.

PUBLIC HEARINGS

NOTE: At the request of Mayor Sandoval, and by consensus of City Council, Item No. 17 was considered prior to Item No. 15.

17. Conduct a Public Hearing on an appeal of the Planning Commission's approval of Conditional Use Permit (CUP 4764-2016) to allow the sale of beer, wine, and liquor (Type 21-Off Sale general) in conjunction with an existing Wal-Mart Neighborhood Market at 778 Arrow Highway in the C-C (Community Shopping Center) zone

RESOLUTION NO. 2018-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 4764-2016) TO ALLOW THE SALE OF BEER WINE, AND LIQUOR (TYPE 21-OFF SALE GENERAL) IN CONJUNCTION WITH AN EXISTING WAL-MART NEIGHBORHOOD MARKET IN THE C-C (COMMUNITY SHOPPING CENTER) ZONE LOCATED AT 778 E. ARROW HIGHWAY.

Associate Planner Kahn provided a brief report.

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

Paige Gosney, legal counsel for Wal-Mart Neighborhood Market, requested that the City Council do what is fair, objective, and best for the community, and that they be treated just as any other supermarket making the same request. He noted that they had met all code and Alcohol Beverage Control requirements, and that the Planning Commission and staff had thoroughly vetted the request. He stated that members of the community wanted the convenience and ability to purchase adult beverages in a safe, secure and well-regulated environment. He urged the City Council to deny the appeal and allow the Planning Commission decision to stand.

The following individuals submitted speaker cards in opposition to the appeal; however, they did not wish to speak:

Jeanette Hughes
Maura Ayala
Debra Martin
Deandre Valencia

Elvira Bernel
Alexandra M.
Gloria Andino

The following individuals submitted speaker cards in support of the appeal; however, they did not wish to speak:

Daniel Barella
Roberta Perlman

Frank Guzman
Amos Young

Virginia Madrigal, Pomona, stated that WalMart had been a good neighbor to the City, and urged the City Council to support the Planning Commission decision.

Beth Brooks, Pomona, urged the City Council to support the Planning Commission decision, and allow the WalMart Neighborhood Market to remain competitive with other businesses in the area.

Mary Pendergass, Pomona, noted that WalMart was known to have good corporate standards in regard to the sale of alcohol, and urged the City Council to uphold the Planning Commission decision.

Arturo Jimenez, Pomona, expressed opposition to the granting of a liquor license due to the proximity of the store to Pomona High School.

Melissa Ayala, Pomona, stated that she supported the appeal because she was concerned about crime, and safety in the community.

Ms. Pushla, Pomona, expressed opposition to the granting of another liquor license, and noted that there were plenty of places to obtain alcohol in the area.

M. Joyce Bakersmith, Pomona, stated that WalMart was a respected business member in the community, and expressed concern with it being treated differently than other similar businesses in the City.

Ann Tomkins, Pomona, stated that the denial of the liquor license would put the WalMart Neighborhood Market at a competitive disadvantage, and asked the City Council to uphold the Planning Commission decision.

Jesus Sanchez, Pomona, stated that WalMart did not support the ideals of the California Values Act which the City Council and adopted in December. He noted that the store was only 400 feet from a high school, and that many youth in the community struggled with alcohol abuse.

Erica Frausto, Pomona Chamber of Commerce, advised that the Chamber was in support of WalMart's request for a liquor license, and that they had responsible policies for the sale of alcohol. She noted that the ability to sell alcohol would allow the store to remain competitive with other markets in the area.

Brian Peppercorn, Assistant Manager of WalMart Neighborhood Market, noted with the ability to sell alcohol, the Market would provide a one-stop shopping experience for consumers, that employees had yearly training in the proper sale of alcohol, and they were one of the most responsible vendors of alcohol in the nation.

Huby Vern, Sandstone Properties, spoke in support of their tenant, WalMart Neighborhood Market, and noted that every tenant since 1962 had an assigned liquor license. He asked the City Council to support the WalMart Neighborhood Market request, which would allow them to be a successful business in the City.

Lillian Onate, Partnership for Positive Pomona representative and resident, advised that limiting the physical availability of alcohol helped reduce underage drinking, and reduce the serious health and social consequences of drinking. She urged the City Council to help protect the youth of the community by denying the alcohol license.

Lisa Reisner, WalMart Neighborhood Market Store Manager, submitted petitions in support of the Planning Commission decision. She noted that they supported a number of non-profit organizations and schools in the community through grants and donations of merchandise. She urged the City Council to allow them to be competitive with other stores by granting the alcohol license.

Alfredo Gonzales, Day One representative, asked the City Council to vote for what was in the best interest of the youth in the community, and to value the health, safety, and quality of life for the residents of the City. He stated that the City Council cannot continue to tell the youth that they are valued, and then make decisions that contradict those statements.

Mr. Gosney stated that he had not heard any compelling or legitimate justification for overturning the Planning Commission decision. He noted that the CUP application met all City codes and ABC requirements, and asked the City Council to uphold the Planning Commission decision.

MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to Close the Public Hearing.

Councilmember Escobar stressed the need to support the “Shop Pomona” campaign, and give incentives to businesses to stay in the City, and residents to shop in the City. She asked and staff advised that the liquor would be in a locked storage area, not placed in open bins or on the aisles. She urged community groups to come together to tackle the issue of under-age drinking, but did not believe limiting the ability of WalMart to sell alcohol would keep alcohol out of the hands of the youth.

Councilmember Ontiveros-Cole stated that there had been an emphasis on the “Shop Pomona” campaign, and yet this decision would inhibit a business from providing a one-stop shopping experience for the residents. She noted that the store brought in revenue for the City, had been a positive influence in that area of the City, and that people from other communities shopped at the store. She advised that WalMart had never been cited for furnishing minors with alcohol. She said that Pomona was no longer a socially or economically disenfranchised community, that new businesses were coming into the City, and that the City was moving forward.

Councilmember Robledo expressed concern with the perception that the City was not business friendly as a result of the City Council challenging Planning Commission decisions. She noted that WalMart had made a number of concessions in their application as a result of the Planning Commission requests. She asked and Mr. Gosney informed that WalMart did not directly provide training to community organizations in prevention of alcohol abuse; however, they did financially support organizations that did provide training.

Councilmember Gonzales stated that he had filed the appeal because he had been lobbied by hundreds of students, parents, and teachers who were opposed to another alcohol outlet in the City. He noted that it was located in a sensitive use area with close proximity to schools, and that it was in a high crime area as well. He advised that he was not against the sale of beer and wine, but was opposed to the sale of refrigerated adult beverages and hard liquor.

Mayor Sandoval stated that he was struggling with the decision because there was an over saturation of alcohol licenses in the City, and that he would like to see every liquor store with the same level of training that WalMart required of its employees. He noted that he understood the position of the community groups, and that there should never be situations where under age individuals were obtaining alcohol.

Councilmember Carrizosa noted that through the years similar conditions had been imposed on other proprietors; however, the issue was enforcement of those conditions.

Mayor Sandoval inquired and Assistant City Attorney Jared informed that there may be preemptive issues with placing conditions on liquor stores for advertising within the store; however, they would look into it.

Councilmember Ontiveros-Cole expressed concern with the arguments against allowing WalMart to sell alcohol, and yet there were far more licenses in the downtown area with closer proximity to a school. She stated that she did not believe WalMart would be a deterrent to the City, and that it was bringing in good business and revenue to the City.

Councilmember Escobar stated that she was not aware of any spikes in crime in the area surrounding the Rio Rancho WalMart when that license was granted. She expressed concern with over regulating the way a business can operate.

Councilmember Torres expressed the need to be consistent in decisions that are similar in nature, and for the need for the City Council have a plan to meet the goals and objectives for the kind of City they would like to have.

MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 4-3-0-0 (COUNCILMEMBERS GONZALEZ, CARRIZOSA, and VICE MAYOR TORRES OPPOSED), to support the Planning Commission decision to approve Conditional Use Permit (CUP 4764-2016) in conjunction with an existing Wal-Mart Neighborhood Market in the C-C (Community Shopping Center) Zone located at 778 E. Arrow Highway.

NOTE: Following the discussion of Item No. 17, the City Council continued with the rest of the Consent Calendar.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Robledo requested that staff bring back an informational report to the City Council regarding truck route issues that were brought up during Public Participation in the City.

Councilmember Carrizosa agreed with the request to study the truck route issue. She requested that staff research the possibility of adding some street lights, as well as repainting some of the red curbs and traffic lanes that were extremely faded.

Councilmember Torres and Councilmember Gonzales expressed concern with the damage from trucks to the newly resurfaced areas of Garey Avenue, as well as with truck parking along Garey Avenue.

RECESSED INTO CLOSED SESSION

The City Council recessed into Closed Session at 11:38 p.m.

ADJOURNMENT

The City Council meeting was adjourned on Tuesday, February 27, 2018 at 12:15 a.m.

The next regular City Council meeting will be held on Monday, March 5, 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
Juan Guzman Arias**

Respectfully submitted,

ATTEST:

EVA M. BUICE
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