



# 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.*

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Monday, April 15, 2019

7:00 PM

Council Chambers

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#### **CLOSED SESSION**

#### **5:30 P.M. City Council Conference Room**

#### **A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

#### **B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

One matter regarding exposure to litigation will be discussed (Pursuant to Government Code Section 54956.9 (d)(2) and (e)(2))

#### **C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** (Pursuant to Government Code Section 54956.9 (d)(1))

*City of Pomona v. Auto Lodge*; Superior Court Case No. KC067276

#### **D. 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

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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

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

Property: 405 W. Ninth Street  
Negotiating Party: Parker Insight LLC  
Successor Agency's  
City's Negotiator: Linda Lowry, City Manager  
Under Negotiation: Price and Terms

**CITY ATTORNEY REPORT OUT FROM CLOSED SESSION**

Interim City Attorney Christi Hogan 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.

Items A, B, C and E were discussed. Due to limited time, Item D was not discussed. Authority was given to the City Attorney to file lawsuits in three cases involving Code Enforcement violations. More information will be made available to the public once those complaints have been filed and served.

Beyond that there was no reportable action.

**7:00 P.M. Council Chambers**

**CALL TO ORDER**

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

**ROLL CALL**

Present: Mayor Tim Sandoval  
Councilmember 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 Hogan, Interim City Attorney  
Rosalia Butler, City Clerk  
Karla Shipman, Deputy City Clerk

**POSTING OF COLORS**

The Posting of the Colors was presented by the Pomona High School JROTC Color Guard.

**PLEDGE OF ALLEGIANCE**

Mayor Sandoval led the Pledge of Allegiance.

**PRESENTATIONS**

- A. Certificate of recognition to Lucero Sandoval and Margarita Ramirez of Village Academy High School winning art work, and Sadigheh Phillips for supporting the arts through her teaching role each year for the Metropolitan Water District of Southern California's 2019 water education student art contest "Water is Life"

The Mayor and councilmembers presented certificates of recognition.

- B. Proclamation declaring April 2019 as DMV/Donate Life California Month in the City of Pomona

Daniel Luevanos from Pomona One Legacy Donate Life organization accepted the proclamation.

- C. Recognition of outgoing Commissioner Jacqueline Elizalde-Macias

The Mayor presented the Pomona Goddess Award to Jacqueline Elizalde-Macias.

**MAYOR/COUNCILMEMBER COMMUNICATIONS**

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

All councilmembers attended various City functions including community Neighborhood Watch meetings, Easter Egg hunts, Cesar Chavez Pilgrimage, Pomona Optimist Club's Tea for the Soul, Phillips Mansion tour and Chief Deputy Hector Rodriguez's retirement.

Councilmembers Gonzalez and Lustro attended an Economic Summit at Cal Poly Pomona sponsored by San Gabriel Valley Economic Partnership and the College of Business Administration.

Upcoming events mentioned were Earth Day at the Pomona Farmer's Market on April 20, Care Harbor at the Fairplex on April 27-28, For the Love of Cars event on June 8 and Pomona Beautification Day on April 27. All councilmembers encouraged volunteers to sign up for projects for that day.

Mayor Sandoval encouraged residents to save water and go to [www.mywaterpledge.com](http://www.mywaterpledge.com). The Mayor also expressed support for American Idol contestant, Pomona resident Alejandro Aranda.

### **CITY MANAGER COMMUNICATIONS**

City Manager Linda Lowry requested that Item 1 be continued to the May 6 meeting and Item 11 be moved up in the agenda to be heard earlier.

### **PUBLIC PARTICIPATION**

Annie Park spoke on International Youth Fellowship event coming up.

Jeraldine Dean spoke on parking issue near Rio Rancho car lot.

Jan Chase spoke on Random Acts of Kindness cards.

M Joyce Bakersmith spoke on upcoming Willie White focus group meeting

Virginia Madrigal, Pomona, spoke on support of the police in the community.

Dawn Van Allen expressed concerns about homeless and drug issues, specifically at Garfield Park.

Natalie Chaidez spoke on upcoming Pomona Beautification Day.

Stephen Anderson expressed concerns about a drug house on N Towne Ave.

Holly Reynolds reported on upcoming events at the Fairplex.

Paul Hudak from Just Us 4 Youth spoke about upcoming events for at risk youth.

The following members of the public expressed support for the formation of a Police Oversight Commission:

Donovan Caver              Iris Villapando

Edgar Velasco	Michael Casey
Ronald Kelley	Jose Gallardo
Mike Suarez	Jesus Sanchez
Laura Pedersen	Miranda

The following members of the public were against the formation of a Police Oversight Commission:

Virginia Madrigal  
Fred Van Allen

**MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to hear Item 11 at this time in the agenda.**

11. Status of Affordable Rental Housing Covenants Overseen by the Pomona Housing Authority Acting as the Housing Successor Agency

It is recommended that the City Council receive and file the information provided within this report.

Benita DeFrank, Neighborhood Services Director, gave a presentation and answered questions from the Council.

This item had a recommendation to receive and file the report therefore no action motion was needed.

**CONSENT CALENDAR**

1. Pre-Paid Long Term Extension of Existing Lease Agreements with Crown Castle for Cell Sites

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

1) Approve transition of the proposal from Crown Castle to enter into 31-year lease amendments/extension on five sites and a 31-year term top license on the 1400 E. Mission Blvd. site. The proposal will result in a one-time payment to the City of \$3,214,000 in prepaid rent (plus \$26,000 in future rent on the Mission Blvd. site). The proposal includes an option for Crown to add up to 500 square feet of land area at each of the six sites and will provide the City 50% pf the revenue received from any new subtenant who installs cell site facilities within any added land area; and

2) Authorize the City Manager, or her designee, to execute lease amendments and top license agreement on behalf of the City, subject to review by the City Attorney

**This item was continued to the May 6, 2019 Council Meeting.**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 7-0, to continue Item 1 to the May 6, 2019 Council meeting.**

2. Adopt a Resolution Reappropriating \$100,000 of CDBG Funds and Making a Finding Necessity; and, Award a Construction Contract in the Amount of \$3,995,744 to Gentry Brothers, Inc. for Street Preservation-Local-Citywide (FY 18-19) Project No. 428-2590-XXXXX-68560; Street Improvements-Citywide (CDBG) (FY 18-19 to FY 20-21) Project No. 428-2590-XXXXX-67925; Alley Improvements-Citywide (CDBG) (FY 14-15 to FY 16-17) Project No. 428-2590-XXXXX-64775 and Alley Improvements-Citywide (CDBG) (FY 17-18 to FY 19-20) Project No. 428-2590-XXXXX-68556

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

**1) Adopt a Resolution No. 2019-44**

- a. Amending the 2018 - 2019 Capital Improvement Program (CIP) budget by:
  - i. Unappropriating \$100,000 of Mayoral CDBG funds from "Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18)," Project No. 428-2590-XXXXX-64807;  
and
  - ii. Appropriating \$100,000 of Mayoral CDBG funds to "Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21)," Project No. 428-2590-XXXXX-67925;
- b. Making a Finding of Necessity for awarding this project with additional sub-contractors not listed in the original Gentry Brothers, Inc. bid;

**2) Award a construction contract in the amount of \$3,995,744 to Gentry Brothers, Inc. for "Street Preservation - Local Citywide (FY 18-19)," Project No. 428-2590-XXXXX-68560 (\$3,485,634); "Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21)," Project No. 428-2590-XXXXX-67925 (\$307,720); "Alley Improvements - Citywide (CDBG) (FY 14-15 to FY 16-17)," Project No. 428-2590-XXXXX-64775 (\$101,195); and "Alley Improvements - Citywide (CDBG) (FY 17-18 to FY 19-20)," Project No. 428-2590-XXXXX-68556 (\$101,195), "The Project";**

**3) Authorize change order capability totaling \$510,604, as funds allow, which is approximately 13% of the contract amount, for the Project, exceeds the maximum of \$100,000 allowed by City Code Section 2-1001(b)(14), and is commensurate with the size and scope of this project;**

- 4) Find that the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c), in that the projects consist of the operation, repair, and maintenance of existing streets; and
- 5) Authorize the City Manager to execute the construction contract and any subsequent change orders on behalf of the City.

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to adopt Resolution No. 2019-44.**

**3. Standardize Overhead Street Name Signs with Reflective Street Name Signs**

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

Approve staff recommendation to standardize all overhead street name signs with reflective street name signs.

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to standardize all overhead street signs with reflective street name signs.**

**4. Approve a "Piggyback" option for the purchase of Perchlorate Resin from Prominent Systems, Inc., utilizing a contract competitively bid and awarded by the City of Colton, California**

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

Approve a "Piggyback" option for the purchase of Perchlorate Resin removal and replacement services, as-needed, from Prominent Systems, Inc. (Prominent), utilizing a contract that was competitively bid and awarded by the City of Colton, CA (Bid No. RFB-WTR-11-09-001).

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to approve a "piggyback" option for the purchase of Perchlorate Resin removal and replacement services, as needed, from Prominent Systems, Inc.**

**5. Amendment of the FY 2018-19 Capital Improvement Program Budget by Appropriating \$1,800,000 to Police Roof Replacement Project From Available Series "AW" Bond Funds**

It is recommended that the City Council adopt the following resolution:

**Resolution No. 2019-45 - A Resolution of the City Council of the City of Pomona, California, Amending the FY 2018-19 Capital Improvement Program (CIP) Budget by Appropriating \$1,800,000 from Available Series "AW" Bonds (Mission Promenade Sale Proceeds) to "Police - Main Facility Roof Replacement," Project No. 428-2590-XXXXX-73369**

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to adopt Resolution No. 2019-45**

6. Approval of Fourth Amendment to the Summer Aquatic Programs Agreement with the YMCA of Orange County to Extend the Term for Aquatic Services through the 2019 Pool Season and Increase the Annual Contract Amount by \$12,137.00

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

- 1) Approve the Fourth Amendment to the Summer Aquatic Programs Agreement with the YMCA of Orange County to extend the term for aquatic services through the 2019 pool season and increase the annual contract amount by \$12,137.
- 2) Authorize the City Manager to execute the amendment, subject to approval as to form by the City Attorney.

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to approve the Fourth Amendment to the Summer Aquatics Programs Agreement with the YMCA of Orange County to extend the term for aquatic services through the 2019 pool season and increase the annual contract amount by \$12,137.**

7. Award of bid to Odyssey Power for the purchase of two replacement emergency backup generators and automatic transfer switches in the amount of \$93,224

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

Approve an award of bid to Odyssey Power for the purchase of two (2) replacement emergency backup generators and automatic transfer switches, in the amount of \$93,224

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to award bid to Odyssey Power for the purchase of two replacement emergency backup generators and automatic transfer switches, in the amount of \$93,224.**



8. Authorize the Use of Sourcewell Cooperative Contract #120716-NAF Awarded to National Auto Fleet Group (Permitted Per the “Piggyback” Provision of the Purchasing Ordinance) to Purchase Eight (8) 2019 Dodge Police Chargers in the Amount of \$ 215,061

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

Authorize the Use of a Sourcewell Cooperative Contract #120716-NAF Awarded to National Auto Fleet Group (Permitted Per the “Piggyback” Provision of the Purchasing Ordinance) to Purchase Eight (8) 2019 Dodge Police Chargers in the Amount of \$ 215,061

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to authorize the use of a Sourcewell Cooperative Contract #120716-NAF awarded to National Auto Fleet Group to purchase eight 2019 Dodge Police Chargers in the amount of \$215,061.**

#### **DISCUSSION CALENDAR**

9. Finding of Public Benefit of the Community at Large: Recommended Expenditures and Recap of 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
  - A) Amount to be determined to the Pomona Community Foundation in support of Pomona Children’s Festival – Requested Amount: \$1,800
  - B) Amount to be determined in support of Juneteenth Education Technology Mobile Arts Center for the Pomona Valley Juneteenth Jazz & Arts Festival – Requested Amount: \$5,000
  - C) Amount to be determined in support of the Kennedy Austin Foundation Spring Tea and Luncheon – Requested Amount: \$1,000
- 2) Receive and file the recap of final amounts for previously approved projects/activities

Trudy Coleman spoke on the Juneteenth event and her request for funds to support the event.

**MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, making a finding of public benefit for Items A-C.**

10. Consideration of Draft Ordinance Prohibiting Shared Dockless Micro-Mobility Device Businesses and City Council Direction Regarding a Pilot Project to Explore Impacts of Permitting Micro-Mobility Device Businesses as an Authorized Use

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

- 1) Introduce for first reading, an Ordinance (Attachment No. 1) adding Article XIII to Chapter 30, titled "Shared Dockless Micro-Mobility Device Businesses; e-Scooters and e-Bicycles" in the City of Pomona Municipal Code to prohibit shared dockless micro-mobility devices from being offered, placed or operated on any public property or right-of-way; and
- 2) Provide direction regarding the Council's desire to implement an e-scooter and/or e-bicycle, or other shared mobility device pilot program in the future.

Rene Guerrero, Interim Public Works Director, gave a presentation about Micro Mobility Devices and reported on other cities' pilot programs. All councilmembers expressed their concerns about safety and wanted to look to other cities best practices with regards to these devices. Mayor Sandoval requested a presentation at a future council meeting from a Mico-Mobility Device company.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to introduce on first reading an ordinance adding Article XIII to Chapter 30, titled Shared Dockless Micro-Mobility Device Businesses; e-scooters and e-bicycles in the City of Pomona Municipal Code to prohibit shared dockless micro-mobility devices from being offered, placed, operated on any public property or right of way and to direct staff to provide more information on a shared mobility device pilot program at a future meeting.**

Item 11 was heard prior to the Consent Calendar.

**MATTERS INITIATED BY CITY COUNCILMEMBERS**

Councilmember Gonzalez requested an update on the construction of the Nell Soto Park.

Councilmember Preciado requested support from the Council for a joint press release with the Pomona Placemakers for the clean-up of Civic Center Plaza. He also asked about the new truck routes and when that would be enforceable.

Councilmember Ontiveros-Cole advised she needs more volunteers for her Beautification Day project painting red curbs on Towne Ave.

Councilmember Garcia advised she will not be able to attend May 1 meeting. She also inquired to Public Works about sidewalk weeds.

Mayor Sandoval inquired about the sidewalk vendor ordinance and whether it's possible to do anything in the meantime to deal with violations involving vendors on the sidewalks causing damage. He requested an update on the Housing Element which Anita Gutierrez provided. The mayor also expressed condolences for Mike Spence's family and the city of West Covina and asked the meeting be adjourned in the memory of his service.

### **ADJOURNMENT**

The City Council meeting was adjourned in memory of Mike Spence, the former mayor of West Covina, on Monday, April 15, 2019 at 9:48 p.m.

Respectfully submitted,

ATTEST:

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

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