



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, March 4, 2019

7:00 PM

Council Chambers

5:30 P.M.

CLOSED SESSION

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

George Ricks v. City of Pomona; Federal Court Case No. 2:18-cv-07862-DDP- PLA

B. 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

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

Property:

Portions of:

APN 8318-001-900 at 2000 N. San Antonio Avenue

APN 8331-005-901 & 902 at 600 E. Philadelphia St.

APNs 8333-005-903, 904, 905, 906, 907 & 908 at 865 ½ E. Grand Avenue

APN 8327-014-029 at 1400 E. Mission Blvd.

APN 8708-025-902 at 25 ½ Canyon Rim Rd.

Negotiating Party: Crown Castle

City's Negotiator: Linda Lowry, City Manager

Under Negotiation: Lease 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.

There was no reportable action on the items listed on the agenda.

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

7:00 P.M.

CALL TO ORDER

The City Council Meeting was called to order at 7:01 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 A. Butler, City Clerk
Karla Shipman, Deputy City Clerk
City of Pomona

POSTING OF COLORS

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

PLEDGE OF ALLEGIANCE

Veteran Pete Garcia led the Pledge of Allegiance.

Motion by Councilmember Garcia, Second by Councilmember Ontiveros-Cole, carried 7-0 to add the presentation of a proclamation to the agenda.

PRESENTATIONS

A. Presentation of a Proclamation declaring March 2019 as Red Cross Month

Representatives from Pomona Red Cross organization accepted the Proclamation.

MAYOR/COUNCILMEMBER COMMUNICATIONS

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

All councilmembers attended various City functions including The State of the City event and Dr. Suess week reading events.

Mayor Sandoval offered condolences to State Assembly Member Freddie Rodriguez on the passing of his mother and asked that tonight's meeting be adjourned in her honor.

CITY MANAGER COMMUNICATIONS

City Manager Lowry reported that Item 5 on the agenda mistakes as follows: the title and the description don't match. She stated that Item 5 title should read "Approval of an exclusive negotiation agreement with JHC-Acquisitions LLC to purchase Housing Authority properties generally located on the 500 block of Mission Blvd".

PUBLIC PARTICIPATION

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

Daniel Luevanos, Pomona One Legacy Donate Life, spoke on organ donation statistics and reported that April is Donate Life Month.

Robert Quintana, Family and Communities on the Rise, spoke about upcoming positive discipline training workshops.

Dale Coleman, Fairplex, spoke on upcoming Fairplex events and 2019 LA County Fair theme.

Chris Briggs, Pomona, spoke on making streets safer for bicyclists and pedestrians.

John Mendoza, Pomona, spoke on upcoming events for the Six Basins Watermaster.

Richard Bunce, Pomona, reported on the Pomona Reawakening Event.

CONSENT CALENDAR

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 2, 2018 Meeting Minutes

May 7, 2018 Meeting Minutes

May 14, 2018 Meeting Minutes

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve the meeting minutes of April 2, 2018, May 7, 2018 and May 14, 2018.

Item 2 was pulled for discussion because a speaker card was submitted.

Item 3 was pulled for discussion by Councilmember Lustro who had questions regarding the item's agreement.

4. Authorization of the Acceptance of an Additional \$400,000 in Measure H Capital Cost Funds and Amending the FY 2018-19 Capital Improvement Program (CIP) Budget
It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2019-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$400,000 IN MEASURE H CAPITAL COST FUNDS AND AMENDING THE FY 2018-19 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$400,000 IN MEASURE H CAPITAL COST FUNDS TO "YEAR-ROUND EMERGENCY NUMBER 428-2590-XXXXX-71044"

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve Resolution No. 2019-18

- *5. Approval of an Exclusive Negotiation Agreement with JHC-Acquisitions LLC to allow for economic analysis of an affordable housing opportunity

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

RESOLUTION NO. 2019-17

A RESOLUTION OF THE POMONA HOUSING AUTHORITY OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN EXCLUSIVE NEGOTIATION AGREEMENT WITH JHC-ACQUISITIONS LLC

*Item 5 title should read "Approval of an exclusive negotiation agreement with JHC-Acquisitions LLC to purchase Housing Authority properties generally located on the 500 block of Mission Blvd".

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve Resolution No. 2019-17

Item 6 was pulled for discussion because a speaker card was submitted.

ITEMS PULLED FOR DISCUSSION

2. Amendment of the FY 2018-19 Capital Improvement Program (CIP) Budget to Create a New CIP Project, "Pomona Transit Bridge Improvements and Beautification; and Award Construction Contracts to MDJ Management in the Amount of \$1,235,295.34 and to the Gordian Group for \$73,500.07 for Construction Management Services

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

- 1) **Adopt the following resolution:**

RESOLUTION NO. 2019-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AMENDING THE FY 2018-19 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO CREATE A NEW CIP PROJECT, "POMONA TRANSIT BRIDGE IMPROVEMENTS AND BEAUTIFICATION," PROJECT NO. 428-2590-XXXXX-67927, AND APPROPRIATING \$245,000 FROM PROP A FUNDS AND \$1,280,116 FROM SERIES AW BOND FUNDS (SALE PROCEEDS FROM THE MISSION PROMENADE);

- 2) Award a contract to MDJ Management in the amount of \$1,235,295.34 for construction of project; and
- 3) Award a contract to the Gordian Group in the amount of \$73,500.07 for Construction Management Services; and
- 4) Authorize the City Manager to execute all necessary documents including construction contracts, subsequent change orders, and professional services agreements, subject to approval as to form by the Acting City Attorney, as appropriate

John Mendoza, Pomona resident, had concerns about labor agreements and apprenticeships generated from the contracts the City awards.

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve Resolution No. 2019-24

3. Approval of a New State of California Department of Transportation (Caltrans) Freeway Agreement for State Highway Route 71

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

RESOLUTION NO. 2019-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A NEW CALTRANS FREEWAY AGREEMENT FOR STATE HIGHWAY ROUTE 71

Acting Public Works Director Rene Guerrero answered questions from Councilmember Lustro.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve Resolution No. 2019-20

6. Adoption of Ordinance to Create a Community Choice Aggregation (CCA)

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

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

John Mendoza, Pomona resident, had questions on the notification process for residents.

Darron Poulsen, Water Resources Director, clarified the process for the Council.

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Ordinance No. 4256

DISCUSSION CALENDAR

7. 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

A) Amount to be determined in support of Pomona Optimist Club for Tea for the Soul Event – Requested Amount: \$15,000

B) Amount to be determined in support of the School of Arts and Enterprise Music Department – Requested Amount: TBD

C) Amount to be determined in support of Pomona Beautiful for supplies – Requested Amount: TBD

D) Amount to be determined in support of Village Academy of Film and Technology for film and tech education – Requested Amount: TBD

E) Amount to be determined in support of the Ted Greene Little League for facility rental fees – Requested Amount: TBD

F) Amount to be determined in support of the N. Orange Grove Avenue's purchase of trees for their tree-planting event – Requested Amount: TBD

Lorraine Canales, Pomona Optimist Club, spoke regarding the Item A request and clarified that they were requesting \$1500 not \$15,000. She also spoke on the upcoming Tea event and invited councilmembers to attend.

Councilmember Preciado was absent from the dais from 7:57-7:59 p.m.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 6-0 (COUNCILMEMBER PRECIADO WAS ABSENT FOR THIS VOTE), making a finding of public benefit for Items A-F.

8. 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 COUNCIL 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 of a resolution establishing the maximum number and types of commercial cannabis businesses to be allowed in specified zones.

Mark Ramos, UFCW Union, spoke on the need for labor peace agreement language to be a part of the ordinance.

Luis Ituarte supported more retail business than staff recommended and limits should be based on population.

Andrew Quinones expressed concern about restrictions being placed on Downtown Pomona and Fairplex areas.

Ron Vandermolen supported a slow and measured process and penalties for illegal businesses.

Council discussed the 13 points on the staff report listed as “additional terms to be considered”. The following numbered items the Council agreed on to be included as stated in the staff report: 1, 2, 3, 4, 6, 10, 12 and 13.

On #5 “Locally Owned Business Preference”, the Council voted 5-2 with Councilmembers Torres and Gonzalez dissenting, to take this provision out.

On #7, Council agreed to this provision with the change made to 1000 feet from 400 feet.

On #8 and #9, these two provisions will be brought back for further discussion.

On #11, language should read as listed on Page 19 (10) of the redline exhibit adding the following wording “within 30 days of licensure” after “...the applicant shall provide a notarized statement”.

Interim City Attorney Christi Hogan advised she would make the revisions and bring this item back for further discussion to the March 18 Council meeting.

PUBLIC HEARINGS

9. Consideration of Single Historic Landmark Designation (SHistoric 010610-2018) for the Single Family Residential Property Located at 798 San Francisco Avenue

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

RESOLUTION NO. 2019-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA,
APPROVING A SINGLE HISTORIC LANDMARK DESIGNATION REQUEST
(SHISTORIC 010610-2018) TO DESIGNATE SINGLE FAMILY RESIDENTIAL
PROPERTY LOCATED AT 798 SAN FRANCISCO**

A presentation was given by Anita Gutierrez, Development Services Acting Director.

Motion by Councilmember Torres, Second by Councilmember Garcia, carried 7-0, to open the Public Hearing.

Motion by Councilmember Garcia, Second by Councilmember Ontiveros-Cole, carried 7-0, to close the Public Hearing.

Dean Rudenauer, resident of 798 San Francisco was available to answer council questions.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to approve Resolution No. 2019-27

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Torres inquired about a study session for the Fairplex RV Park Rental Covenant agreement.

Councilmember Ontiveros-Cole expressed concerns about shopping carts in her district and wanted to schedule a meeting with the Cardenas owner. She also wanted to add to the Finding of Public Benefit for the next meeting funds for trash cans in her neighborhood.

Councilmember Garcia asked about Little Free Library program for parks.

Councilmember Preciado asked about what date the Council Retreat would be.

Mayor Sandoval led a discussion on setting the date for the Council Retreat. The date was set for March 25, 2019. He also asked about the MOU letter for the Fairplex and when that would come back to Council.

ADJOURNMENT

The City Council meeting was adjourned in memory of the mother of Freddie Rodriguez on Monday, March 4, 2019 at 10:16 p.m.

Respectfully submitted,

ATTEST:

ROSALIA A. BUTLER, 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