



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
Vice Mayor Ginna E. Escobar
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, September 18, 2017

7:00 PM

Council Chambers

5:30 P.M.

CLOSED SESSION

Public Comment:

A. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

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

Oliney v. City of Pomona

Barden v. City of Pomona, et al.

Tessier v. City of Pomona

City of Gardena v. Regional Water Quality Board - Los Angeles Region and State
Water Resources Control Board

Sayari v. City of Pomona

B. CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

Part Time Employees

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: 1300 S. Reservoir Street
Negotiating Party: Yum Yum Donut Shops, Inc.
Successor Agency's
Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

Property: 400 E. Fourth Street
Negotiating Party: 2014 SANTACRUZ Trust and Shield of Faith
Housing Authority's
Negotiating Party: Linda Lowry, City Manager
Under Negotiation: Price and Terms

D. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

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

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

Assistant City Attorney Jared stated that the City Council convened into Closed Session at 5:30 p.m. and that the items listed on the agenda had been announced prior to recessing into Closed Session.

Present at the beginning of the meeting were Mayor Sandoval and Councilmembers Gonzalez, Carrizosa, Ontiveros-Cole, and Torres. Councilmember Robledo arrived at 6:00 p.m. Vice Mayor Escobar arrived at 6:45 p.m.

Item A-1: This item was discussed, a briefing was provided, there was no final action taken, and there was nothing further to report.

Item A-2: This item was discussed, a briefing was provided, there was no final action taken, and there was nothing further to report.

Item A-4: This item was discussed, direction was provided to the City Attorney's Office, there was no final action taken, and there was nothing further to report.

Item A-5: This item was discussed, the City Council authorized the law firm of Colantuono, Highsmith & Whatley to be appointed as special counsel for that matter, there was no further action taken, and there was nothing further to report.

Item A-3: The City Council considered the written settlement agreement, a motion was requested during Open Session to accept the settlement as written.

MOTION BY COUNCILMEMBER ROBLED0, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to accept the settlement as written.

Item B: This item was not discussed and was continued to the October 2, 2017, Regular City Council Meeting.

Item C-1: This item was discussed, a briefing was provided, there was no final action taken, and there was nothing further to report.

Item C-2: This item was discussed; there was no final action taken, and there was nothing further to report.

Item D: There were three items regarding the potential for initiating action, the City Council granted authority to the City Attorney's Office to initiate litigation on two of the items, at this time in order to initiate litigation the name of the parties will not be released, the third item was discussed, there was no final action taken, and there was nothing further to report.

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

Assistant City Attorney Jared informed that the City Council would recess into Closed Session to discuss one item relating to the potential for initiating litigation at the conclusion of the Open Session.

The City Council recessed from Closed Session at 7:00 PM.

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
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
Andrew Jared, Assistant City Attorney
Eva M. Buice, City Clerk
Genoveva Rocha, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Mayor Sandoval led the Pledge of Allegiance to the Flag.

PRESENTATIONS

A. Approve and Present a Proclamation - Pomona Reads Day!

The City Council approved and presented the proclamation.

B. Community Services 2017 Summer Programming

Community Services Manager Mike Osoff provided a brief presentation on the Community Services 2017 Summer Programming.

C. Receive and File a Pavement Management Program Presentation Update

City Engineer Rene Guerrero provided an update on the Pavement Management Program.

MAYOR/COUNCILMEMBER COMMUNICATIONS

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

Vice Mayor Escobar reported that she had attended the League of California Cities Conference, and would be going to the National Association of Elected Latinos in Office at the end of the week.

Councilmember Robledo stated that the Pomona Optimist Breakfast Club had nominated Pomona Police Officer Reuben Sanchez, and one of the Los Angeles County Firefighters for the Respect for Law Enforcement award, and that out of all of the clubs in the Southeast District, both of the nominees had received the award. She thanked her peers and the community for the many well wishes that she and her family had received on the passing of her grandmother.

Councilmember Torres invited everyone to attend the Earthquake Preparedness Seminar, sponsored by Congresswoman Norma Torres, on October 19, 2017, from 6:30 to 8:00 p.m. at Ganesha Park.

Mayor Sandoval announced that the City of Los Angeles would be hosting the Olympic Games in 2028, and that officials from Los Angeles and the Olympics had the first meeting regarding the Olympics at Fairplex. He stated that he hoped one of the Olympic events would be held in Pomona. He noted that there were two sites in Pomona that would meet all of the criteria for the recent Amazon proposal to build at second headquarters site in North America, and directed staff to research the submission of a proposal to Amazon.

CITY MANAGER COMMUNICATIONS

City Manager Lowry did not have anything to report.

PUBLIC PARTICIPATION

Douglas Pierce, Pomona, spoke regarding various properties in the City with Code violations, and traffic around Garfield Park.

Miriam Gonzales, Pomona, requested assistance with an issue with the Planning Department regarding a permit for a block wall on her property.

Randy Beckendam, Pomona, discussed the benefits of mulching for water conservation, reported on the garden at the Adult Transition Program, and the benefits of urban gardening.

Leonard Larson, Pomona, noted that several Planned Parenthood facilities had been found to be in violation of various Federal, State, and local laws. He requested that the City Council ensure that the Planned Parenthood facilities in the City were in compliance with the applicable requirements.

M. Joyce Bakersmith, Pomona, requested assistance for funding of the Cultural Festival. She invited everyone to attend the Willie White Park Focus Group Neighborhood Watch program on the third Thursday of the month, and announced that the speaker would be Principal Richmond-Roberts from Harrison Elementary School.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED 7-0, to Approve the Consent Calendar.

1. Adopt a Resolution Approving Pomona's Streets Lists as a Requirement for the Road Repair and Accountability Act of 2017 (SB-1/RMRA) and Amending the 2017-18 Operating and Capital Improvement Program (CIP) Budgets to Appropriate Funding in the Amounts of \$179,645 for Public Works Operations and \$2,341,910 for "Street Preservation - Local Citywide (FY 17-18)," CIP Project No. 428-2590-XXXXX-68558

RESOLUTION NO. 2017 -129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CAPITAL IMPROVEMENT PROGRAM BY AMENDING THE DESCRIPTION OF "STREET PRESERVATION - LOCAL CITYWIDE (FY 17-18)" PROJECT NO. 428-2590-XXXXX-68558 TO INCLUDE THE STREET PROJECTS LIST REQUIRED TO RECEIVE SB-1 FUNDING; APPROPRIATING \$717,860 OF SB-1/RMRA FUNDING AND \$1,624,050 OF MEASURE M FUNDING TO THE PROJECT; AMENDING THE FY 17-18 PUBLIC WORKS OPERATING BUDGET BY APPROPRIATING \$179,465 OF SB-1/RMRA FUNDS FOR QUALIFIED EXPENDITURES AND APPROVING SUBMITTAL OF THE STREET PROJECTS LIST TO THE CALIFORNIA TRANSPORTATION AUTHORITY TO BE ELIGIBLE FOR SB-1/RMRA FUNDING

2. Adopt a Resolution Approving Lot Merger LM5-2017 of Portion of Block 202, Pomona Tract, Recorded in Book 3, Pages 96 and 97 of Miscellaneous Records, County of Los Angeles, and Portion of Parcel 2, Record of Survey Map Recorded in Book 76, Page 95, County of Los Angeles, Assessor Parcel Numbers 8326-021-004 and -028, for an Automotive Service Station Reestablishment at 1040 E. Holt Avenue, Pomona, CA (Council District 4)

RESOLUTION NO. 2017-130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM5-2017 OF PORTION OF BLOCK 202, POMONA TRACT, RECORDED IN BOOK 3, PAGES 96 AND 97 OF MISCELLANEOUS RECORDS, COUNTY OF LOS ANGELES, AND PORTION OF PARCEL 2, RECORD OF SURVEY MAP RECORDED IN BOOK 76, PAGE 95, COUNTY OF LOS ANGELES, ASSESSOR PARCEL NUMBERS 8326-021-004 AND -028, FOR AN AUTOMOTIVE SERVICE STATION REESTABLISHMENT AT 1040 E. HOLT AVENUE, POMONA, CA

3. Adopt a Resolution Approving and Agreeing to the “Assurances and Understandings Regarding Receipt and Use of Measure M Local Return Funds”

RESOLUTION NO. 2017-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AND AGREEING TO THE “ASSURANCES AND UNDERSTANDINGS REGARDING RECEIPT AND USE OF MEASURE M LOCAL RETURN FUNDS”

4. Approve an Amendment to the Agreement with the Middle Santa Ana River Total Maximum Daily Load (MSAR TMDL) Task Force
5. Approval of an Amendment to the East San Gabriel Valley Watershed Management Group Cooperative Agreement to Change the Lead Agency from the City of Claremont to the City of Pomona; Award a Sole Source Professional Services Agreement to Stantec Consulting Services Inc., in the total amount of \$506,638 for Implementation of the Coordinated Integrated Monitoring Program (CIMP) in Compliance with the 2012 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Discharges for Los Angeles County; and Approve Payment of the City's Cost Share, in a not to exceed amount of \$240,361
6. Adopt a Resolution Approving the Amended Recognized Obligation Payment Schedule (ROPS 17-18B) for the Period of January 1, 2018 through June 30, 2018

RESOLUTION NO. SA 2017-5

A RESOLUTION OF THE CITY COUNCIL, SITTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD FO JANUARY 1, 2018 THROUGH JUNE 30, 2018, “ROPS 17-18B”

7. Adopt a Resolution of the Pomona Successor Agency to the Redevelopment Agency of the City of Pomona Approving a Second Amendment to the Master Agreement for the Expenditure of Excess Bond Proceeds

RESOLUTION NO. SA 2017-6

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF POMONA APPROVING A SECOND AMENDMENT TO THE MASTER AGREEMENT FOR THE EXPENDITURE OF EXCESS BOND PROCEEDS BETWEEN THE CITY OF POMONA AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY TO THE CITY OF POMONA

DISCUSSION CALENDAR

8. Approve funding of \$50,000 to the Pomona Chamber of Commerce in accordance with the Defined Disbursement Schedule

Erica Frausto, Pomona Chamber of Commerce Executive Director, provided a brief presentation.

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

Renee Barbee
Suzanna Perez
Bob Cruz

Frank Gonzales
Vida Gonzales
Michael Thomas

Gloria Mitchell
Judy
Ann Henderson

Jeff Keating, past Chamber of Commerce President, and current Chief Financial Officer, stated that the Chamber was an invaluable resource for the community and businesses. He noted, that as a Boardmember of Western University, the board strongly supported the work of the Chamber of Commerce.

Carlos Garcia, Applied Technologies owner, advised that the Pomona Chamber of Commerce had provided professional leadership when he first started his business, and that it had blossomed as a result.

David McElwain, Gain Welfare to Work Program Manager, stated that as a result of his involvement with the Pomona Chamber of Commerce, he had received many opportunities to be involved in the community, and that most of the members were involved in the community in a number of ways. He noted that the City was in an economic recovery and that the work of the Chamber would help to continue the recovery.

Victor Caceres, Youth and Family Club Executive Director, and past President of the Chamber of Commerce, stated that non-profit organizations were also members of the Chamber, and that he attributed all of his business connections to the Chamber.

Councilmember Torres stated that there needed to be more focus on legislative advocacy in the area of homelessness and taxes, which had a great impact on business development. He noted the need for more small business workshops, outreach to minority owned small businesses, and growing the membership.

Councilmember Robledo thanked that Chamber of Commerce for the work they did to promote economic vibrancy. She noted that the Chamber was supportive of minority owned small businesses.

Vice Mayor Escobar discussed the need for networking, the strong Chamber of Commerce in the City of Pasadena, and minority owned businesses.

Mayor Sandoval suggested that the Pomona Chamber of Commerce and the Hispanic Chamber of Commerce look at ways to collaborate on efforts.

Councilmember Carrizosa noted that many small businesses ran into problems in the area of accounting, and that the Chamber could be of assistance in that area. She believed that both the Pomona and Hispanic Chambers of Commerce should be complementary to each other.

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7-0, to Approve Funding of \$50,000 to the Pomona Chamber of Commerce in Accordance with the Defined Disbursement Schedule.

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

CURRENT REQUESTS:

- A) Amount to be determined to Mike Suarez, Pomona Reads Committee Member, in support of digital advertising for Pomona Reads 2017 - Amount requested: \$1,000
- B) Amount to be determined to Girl Scout Troop 05114 in support of bi-weekly meetings at Washington Park Community Center - Amount requested: TBD
- C) Amount to be determined to Pomona Pop Warner in support of programming - Amount requested: TBD
- D) Amount to be determined to the Pomona Hispanic Chamber of Commerce in support of their 2017 Camara de Comercio Hispano de Pomona Academy - Amount requested:

Mr. Rozelli, Pomona Pop Warner League representative, noted that they had eight youth seeking sponsorship that were not able to financially afford the registration fees.

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to Approve Findings of Public Benefit for the Community at Large.

10. Approval of Settlement Agreement with Southern California Gas Company and Southern California Edison (collectively "Utilities") for the Clean-up of Lamp Black at the City's Water Yard and Annex Yard; Adopt a Resolution Amending the 2017-18 Capital Improvement Program (CIP)

RESOLUTION NO. 2017-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE 2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$3,875,000 FROM THE SETTLEMENT TO “CORPORATE YARD FACILITY” PROJECT NO. 575-8125-XXXXX-93135

Water Resources Director Poulsen provided a brief presentation.

MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to adopt a resolution amending the 2017-18 Capital Improvement Program (CIP) Budget by appropriating \$3,875,000 from the settlement to “Corporate Yard Facility” Project No. 575-8125-XXXXX-93135.

PUBLIC HEARINGS

11. Conduct a Public Hearing to Receive Comments on the Fiscal Year (FY) 2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Funds

Neighborhood Services Director DeFrank provided a brief presentation.

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

There were no public speakers.

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

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to Conduct a Public Hearing to Receive Comments on the Fiscal Year (FY) 2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Funds

MATTERS INITIATED BY CITY COUNCILMEMBERS

Vice Mayor Escobar announced that there would be a Community Meet and Greet meeting in District 5 with the Lighting and Landscape Maintenance District maintenance company on October 4, 2017, from 6:30 to 8:00 p.m. at Decker Elementary School.

Councilmember Ontiveros-Cole requested that staff provide information regarding the cost for holiday lighting in the parks and downtown area.

Councilmember Carrizosa asked that the City Council look at purchasing an outdoor Christmas tree for the Civic Center area.

Mayor Sandoval announced that there would be a DACA Renewal Workshop on Saturday, September 23, 2017, from 10:00 a.m. to 1:00 p.m. at the Village at Indian Hill.

RECESS INTO CLOSED SESSION

The City Council recessed into Closed Session at 10:03 PM.

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION DISCUSSIONS

The City Council recessed into closed session to discuss one item regarding potential for initiating litigation under Agenda Item D.

Mayor Sandoval, and Councilmembers Gonzales, Robledo, Carrizosa, Ontiveros-Cole, and Torres were present.

Item D: A briefing was provided by staff and the Office of the City Attorney, direction was provided by Council, no final action was taken, and there is nothing further to report.

ADJOURNMENT

The City Council meeting was adjourned at 10:45 p.m.

The next regular City Council meeting will be held on Monday, October 2, 2017, 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.

Respectfully submitted,

ATTEST:

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

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