



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
Councilmember Rubio R. Gonzalez
Vice Mayor 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, September 9, 2019

7:00 PM

Council Chambers

5:30 P.M. City Council Conference Room

CLOSED SESSION

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

Inland Valley Humane Society v. City of Pomona
L.A. County Superior Court; Case No. BC599074

Tommy Singleton, et al. v. City of Pomona
L.A. County Superior Court; Case No. BC16169699

B) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Pursuant to Government Code Section 54957 (b) (1))

C) 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) (1))

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

Part Time Unrepresented Employees
Part Time General Employees Unit
Unrepresented Mid-Management Group C-2 Employees
Unrepresented Group A and B 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

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

Interim City Attorney Sonia Carvalho 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.

Ms. Carvalho reported there was no reportable action on any item.

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
Vice Mayor Victor Preciado
Councilmember Rubio Gonzalez
Councilmember Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert Torres

STAFF PRESENT:

Linda Lowry, City Manager
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
Karla Shipman, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Pomona Veterans Roberto Arnold and Samuel Cafiero led the Pledge of Allegiance.

PRESENTATIONS

A. Certificate of Recognition to Pomona Veteran(s)

The Mayor and Council recognized Roberto Arnold and Samuel Cafiero.

MAYOR/COUNCILMEMBER COMMUNICATIONS

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

All councilmembers attended various City functions including concerts and movies in the City parks, parades at the Fair, National Night Out and district neighborhood watch meetings.

The Council encouraged residents to attend the Pizza with the Police event, Art Walk and Car show at the dA on September 14, Mosquito Control Workshop, and press conference for Gold Line Contract signing on October 4.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry had nothing to report.

PUBLIC PARTICIPATION

Dee Dee Ybarra and Donna Otero spoke on the upcoming Indigenous Peoples Day event on October 12 at Ganesha Park.

Victoria Tellez from Just Us 4 Youth spoke on the upcoming School Influence Night.

Brenda Staley expressed concern about an abandoned, burnt out home on Vamana St.

Dr. Marianne Citron spoke on National Dyslexia Awareness month in October and an event that she would like Council support on.

Vince Carpio expressed concerns about an illegal event at Madison Park and an unauthorized mural that was painted there.

Sydney Lopez, Pomona Student Union, spoke on the upcoming grand opening of the Gente Youth Center and her attendance at the Children's Funding Institute Conference in Denver. She also expressed hope that Pomona would bring back the Youth Commission.

Elaine Davis spoke about a day care center that she owns on Arrow Hwy and her desire to

expand to a vacant lot next door but she has issues with the permit process.

Esmeralda Avalos spoke on issues with her landlord and her rent being raised.

Benjamin Wood spoke in support of Ms. Avalos and her family and the need for rent stabilization, inclusive housing in Pomona.

Jaqueline Elizalde spoke on human trafficking and prostitution issues in Pomona.

Mike Suarez spoke on the upcoming car show at the dA Center.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the Consent Calendar except for Items 3, 6, 7 which were voted on in separate motions.

1. Approval of Parcel Map PM No. 80286 for the Property Located at 3200-3220 Temple Avenue, Pomona, CA, Assessor Parcel Number 8710-014-018, Related to the Commercial Subdivision of One Parcel into Two Lots, Associated with the Existing Hotel and Restaurant (Council District 5)

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING PARCEL MAP PM 80286 FOR THE PROPERTY LOCATED AT 3200-3220 TEMPLE AVENUE, ASSESSOR PARCEL NUMBER 8710-014-018; and

- 2) Authorize the City Engineer to sign the Parcel Map PM 80286 on behalf of the City.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-102

2. Aesthetics of Gold Line Retaining and Sounds Wall

It is recommended that the City Council receive and file the report and provide staff direction, as needed.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to receive and file the report

3. Agreements with California Conservation Corps for Vegetation/Brush Clearance in the Phillips Ranch and Ganesha Park Hillside Areas

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2019-20 ADOPTED OPERATING BUDGET BY APPROPRIATING \$10,948 FROM GENERAL FUND RESERVES, UTILIZING PREVIOUSLY DONATED FUNDS FROM THE FAIRPLEX, TO PROVIDE VEGETATION AND BRUSH CLEARANCE IN GANESHA PARK AND THE SURROUNDING HILLSIDES

2) Approve an agreement with the California Conservation Corps, Pomona Center, in the amount of \$10,560 to provide vegetation clearing in Ganesha Park and the surrounding hillsides; and

3) Authorize the City Manager to sign the Agreement for vegetation clearing in Ganesha Park and the surrounding hillsides in substantially the form submitted; and

4) Retroactively approve an agreement with the California Conservation Corps, Pomona Center, in the amount of \$60,000 for vegetation clearing to be completed in the Phillips Ranch area; and

5) Retroactively authorize the City Manager to sign the Agreement for vegetation clearing in the Phillips Ranch area in substantially the form submitted.

This item was pulled for discussion by Councilmember Torres. Public Works Director Rene Guerrero answered questions from Councilmember Torres.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-134

4. Adoption of Resolutions Approving Memoranda of Understanding Between the City of Pomona and the Pomona Police Officers' Association, Inc. (PPOA) and the Pomona Police Managers' Association from July 1, 2019 through June 30, 2021

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

RESOLUTION NO. 2019-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING, RATIFYING, AND ORDERING IMPLEMENTATION OF A TWO (2) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA POLICE OFFICERS' ASSOCIATION, INC. FROM JULY 1, 2019 THROUGH JUNE 30, 2021

RESOLUTION NO. 2019-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING, RATIFYING, AND ORDERING IMPLEMENTATION OF A TWO (2) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA POLICE MANAGERS' ASSOCIATION FROM JULY 1, 2019 THROUGH JUNE 30, 2021

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-131 and Resolution No. 2019-135

5. Award of \$237,298 of HOME Investment Partnerships Program (HOME) Funds to Shield of Faith Economic Development Corporation, a Community Housing and Development Organization (CHDO)

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-121 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AWARDING \$237,298 OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS TO SHIELD OF FAITH ECONOMIC DEVELOPMENT CORPORATION, A COMMUNITY HOUSING AND DEVELOPMENT ORGANIZATION (CHDO)

- 2) Authorize the City Manager to amend the existing Agreement with Shield of Faith Economic Development Organization and to execute the Agreement and related documents, subject to review by the City Attorney.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-121

6. Consideration of Resolution Setting a Public Hearing to Consider the Conveyance of that Certain Real Property Commonly Known as Veteran's Park (Assessor's Parcel

No. 8707-019-903, 906 & 909) to Seventh Street Development, Inc. Pursuant to Government Code Section 37420 et seq

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

RESOLUTION NO. 2019-146

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SETTING A PUBLIC HEARING TO CONSIDER THE CONVEYANCE OF THAT CERTAIN REAL PROPERTY COMMONLY KNOWN AS VETERAN'S PARK (ASSESSOR'S PARCEL NO. 8707-019-903, 906 & 909) TO SEVENTH STREET DEVELOPMENT, INC. PURSUANT TO GOVERNMENT CODE SECTION 37420 ET SEQ

This item was pulled for discussion because a speaker card was submitted.

Kyle Brown from Clean and Green Pomona said he was opposed to this sale because he is opposed to reducing park space in Pomona.

Kirk Pelser, Deputy City Manager, spoke on an upcoming public hearing set for the October 7 Council Meeting regarding this item.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2019-146

7. Amendment of the FY 2019-20 Capital Improvement Program Budget by Appropriating \$300,468 to "Pomona Transit Bridge Improvements and Beautification," Project No. 428-2590-XXXXX-67927

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

RESOLUTION NO. 2019-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM BUDGET BY APPROPRIATING \$41,000 OF AVAILABLE SERIES "BI" ("AW") BONDS AND RE-APPROPRIATING \$259,468 OF PROP A FUNDS FROM "MAJOR STREET REHABILITATION - CITYWIDE (FY 13-14 TO FY 15-16) PROJECT NO. 428-2590-XXXXX-68548 TO "POMONA TRANSIT BRIDGE IMPROVEMENTS AND BEAUTIFICATION," PROJECT NO. 428-2590-XXXXX-67927

This item was pulled for discussion by Councilmember Preciado. He expressed the need for a security system on the bridge to discourage vandalism.

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-24

8. Approval of Summary Vacations VU1-2019 of the City's Unused Storm Drain Easement and VU2-2019 of the City's Unused Slope and Construction Easement and Approval of Quitclaim Deeds for the Vacated Easements Located Within Lot 1 of Tract Map TM 66138, Assessor Parcel Numbers 8708-026-006 to -018 and -022, Related to the Residential Development at 92 Rio Rancho Road, Pomona, CA (Council District 5)

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

- 1) Adopt the following Resolution:

RESOLUTION NO. 2019-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUMMARY VACATIONS VU1-2019 OF THE CITY'S UNUSED STORM DRAIN EASEMENT AND VU2-2019 OF THE CITY'S UNUSED SLOPE AND CONSTRUCTION EASEMENT AND APPROVING QUITCLAIM DEEDS FOR THE VACATED EASEMENTS WITHIN LOT 1 OF TRACT MAP TM 66138 FOR THE PROPERTY LOCATED AT 92 RIO RANCHO ROAD, ASSESSOR PARCEL NUMBERS 8708-026-006 TO -018 AND -022; and

- 2) Authorize the City Manager to execute the Quitclaim Deeds on behalf of the City.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-125

9. Second Reading and Adoption of Ordinance Amending Sections of Chapters 18, 50 and 62 of the Pomona City Code Regarding to Inspections of Grease Producing Facilities and Payment of Fees for National Pollutant Discharge Elimination System (NPDES) Permit and Grease Producing Facility Inspections (FOG) at the Time of Application for Issuance of a Business License

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

ORDINANCE NO. 4258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS OF CHAPTERS 18, 50 AND 62 OF THE POMONA CITY CODE REGARDING TO INSPECTIONS OF GREASE PRODUCING FACILITIES AND PAYMENT OF FEES FOR NATIONAL

**POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND
GREASE PRODUCING FACILITY INSPECTIONS (FOG) AT THE TIME OF
APPLICATION FOR ISSUANCE OF A BUSINESS LICENSE**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER
ONTIVEROS-COLE, CARRIED 7-0, to adopt Ordinance No. 4258**

10. Approval of City Hall Closure during the 2019 Holiday Season and Adoption of a Resolution Approving Proposed Changes to 2020 City Council Meeting Dates Due to Holiday Conflicts and Establishing Rescheduled Meetings as “Regular” Meetings of the City Council

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

1) Authorize the closure of City Hall from Tuesday, December 24, 2019 through Wednesday, January 1, 2020 to avoid potential staff shortages during the holidays; and

2) Adopt the following resolution:

RESOLUTION NO. 2019-129

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA,
CALIFORNIA, APPROVING THE CANCELLATION AND RESCHEDULING OF
MEETINGS AND ESTABLISHING THE RESCHEDULED MEETING DATES AS
“REGULAR” MEETINGS OF THE CITY COUNCIL**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER
ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-129**

11. Approval of Lot Merger LM2-2019 for the Property Located at 690-696 W. Holt Avenue, Pomona, CA, Assessor Parcel Number 8340-026-022, Related to the Remodeling of the LA Care Facilities (Council District 1)

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

1) Adopt the following resolution:

RESOLUTION NO. 2019-130

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA,
CALIFORNIA, APPROVING LOT MERGER LM2-2019, FOR THE PROPERTY
LOCATED AT 690-696 W. HOLT AVENUE, ASSESSOR PARCEL NUMBER
8340-026-022; and**

2) Authorize the City Engineer to sign the Lot Merger LM2-2019 on behalf of the

City.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-130

12. Accept and Receive \$140,000 of Additional Grant Funds from San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) and Amend "Phil and Nell Soto Park," Project No. 428-2590-XXXXX-71040 within the FY 2019-20 Capital Improvement Program (CIP) Budget by Receiving and Appropriating \$140,000 of Available RMC Grant Funds to the Project

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

RESOLUTION NO. 2019-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO ACCEPT AND RECEIVE \$140,000 OF ADDITIONAL GRANT FUNDS FROM SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY (RMC) AND AMEND "PHIL AND NELL SOTO PARK," CIP PROJECT NO. 428-2590-XXXXX-71040 WITHIN THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY RECEIVING AND APPROPRIATING \$140,000 OF SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY GRANT FUNDS TO THE PROJECT

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-132

13. Amendment of the Section 8 Housing Choice Voucher Program Administrative Plan

It is recommended that the City Council, sitting as the Governing Board of the City of Pomona Housing Authority (PHA) adopt the following resolution:

RESOLUTION NO. 2019-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SITTING AS THE GOVERNING BOARD OF THE POMONA HOUSING AUTHORITY, AMENDING THE POMONA HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-133

14. Approval of a Letter of Understanding with Union Pacific Railroad for the Acquisition of Certain Real Property in Pomona, California resolution:

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

RESOLUTION NO. 2019-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A LETTER OF UNDERSTANDING WITH UNION PACIFIC RAILROAD FOR THE ACQUISITION OF CERTAIN REAL PROPERTY IN POMONA, CALIFORNIA

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-147

15. Approving Funding of \$50,000 to the Pomona Chamber of Commerce in Accordance with the Defined Disbursement Schedule

It is recommended that the City Council approve funding for the Pomona Chamber of Commerce for Fiscal Year 2019-2020 in the amount of \$50,000 to be disbursed in four equal quarterly payments of \$12,500 at the end of each quarter.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve funding for the Pomona Chamber of Commerce for the Fiscal Year 2019-2020 in the amount of \$50,000

DISCUSSION CALENDAR

16. Finding of Public Benefit of the Community at Large: Recommended Expenditure(s) and Recap of Funds

It is recommended that the City Council take the following action(s):

1) Approve the expenditure(s) recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended item(s); and

A) Amount to be determined in support of PUSD – Parent Leads – Requested Amount: TBD

B) Amount to be determined in support of Pomona 5k/ 10k for their 3rd Annual Pomona Run – Requested Amount: \$5,000

C) Amount to be determined in support of District 2 beautification/clean-up – Grand Central Recycling & Transfer Station dump fees – Requested Amount: TBD

D) Amount to be determined in support of House of Ruth's Annual Candle Light Vigil –Requested Amount: \$180

E) Amount to be determined in support of Red Cross Prepare Pomona – Requested Amount: TBD

F) Amount to be determined in support of Sacred Heart Church for their Annual Fundraiser Event – Requested Amount: TBD

G) Amount to be determined in support of Pomona Valley Democratic Club for the Civil Rights Legacy Awards – Requested Amount: TBD

H) Amount to be determined in support of Soccer Champions Youth League – Requested Amount: TBD

I) Amount to be determined in support of City Staff Appreciation Lunch – Requested Amount: TBD

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

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to make a finding of public benefit for Items A-I

- 17.** Council Direction Regarding a Draft Ordinance Pertaining to Sidewalk Vending Regulations

It is recommended that the City Council provide staff direction regarding decision points and associated findings for incorporation into the draft sidewalk vending ordinance and regulations as proposed.

Mark Gluba, Deputy City Manager, gave a presentation.

Benjamin Wood spoke on his concerns with the ordinance as it is written.

Mark Gluba took direction from Council regarding health permits, cart size limitations, insurance requirements, and restricted locations.

PUBLIC HEARING

18. Public Hearing - Draft 2019 Water Quality Public Health Goals Report

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

- 1) Conduct a public hearing to accept comments on the Draft 2019 Water Quality Public Health Goals Report; and**
- 2) Upon the conclusion of the public hearing, direct staff to incorporate appropriate comments received into the Final 2019 Water Quality Health Goals Report.**

Darron Poulsen, Water Resources Director, gave a presentation.

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

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

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the Draft 2019 Water Quality Public Health Goals Report

19. Public Hearing to Receive Comments on the Fiscal Year (FY) 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Funds

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

- 1) Conduct a public hearing to receive comments on the Fiscal Year (FY) 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Grant (CDBG), Home Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Funds; and,**
- 2) Upon conclusion of the public hearing, direct staff to incorporate comments received into the Final FY 2018-2019 CAPER; and,**
- 3) Approve the FY 2018-2019 CAPER for submission to the U.S. Department of Housing and Urban Development (HUD).**

Benita DeFrank, Neighborhood Services Director, gave a presentation.

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

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the FY 2018-2019 CAPER

- 20.** Introduction and First Reading of Code Amendment No. 12173-2019, Amending the Pomona Zoning Ordinance Pertaining to Pertaining to Legal Nonconforming Waste & Recycling Uses

It is recommended that the City Council open the public hearing and after receiving testimony and public comment, close the public hearing and introduce and waive further reading the following ordinance:

ORDINANCE NO. 4268 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CITY OF POMONA ZONING ORDINANCE (PZO) SECTION .554.B ("NONCONFORMING USE OF A CONFORMING BUILDING") AND SECTION .554.C ("NONCONFORMING USE OF THE LAND") AS IT PERTAINS TO THE LENGTH OF TIME IN WHICH LAND USES MADE NONCONFORMING BY WASTE & RECYCLING ORDINANCE NO. 4234 MAY BE DISCONTINUED BEFORE THE USE IS TERMINATED, FROM TWO YEARS TO 180 DAYS

Sandra Elias, Planning Technician, gave the presentation.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER TORRES, 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

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to introduce on first reading Ordinance No. 4268

- 21.** Appeal of Approved Major Certificate of Appropriateness No. 5107-2016, HPC Resolution 19-014 for 402 Randolph Street

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

RESOLUTION NO. 2019-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 5107-2016) TO LEGALIZE THE INSTALLATION OF NINE (9) VINYL

WINDOWS WITH SHUTTERS, NEW VINYL FRENCH DOORS, NEW EXTERIOR LIGHTING FIXTURES, A NEW TRELLIS AND BLOCK RAILING, AND A NEW BLOCK WALL, SUBJECT TO CONDITIONS OF APPROVAL, ON AN EXISTING NONCONTRIBUTING SINGLE-FAMILY RESIDENCE LOCATED AT 402 RANDOLPH STREET (APN: 8340-012-031) IN THE WILTON HEIGHTS HISTORIC DISTRICT

Alex Jimenez from the Planning Department gave the presentation.

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

Jennifer Williams from the Historic Preservation Commission submitted a speaker card in support of Resolution No. 2019-148 but did not wish to speak.

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

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to re-open the Public Hearing to allow appellant applicant to speak

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

Discussion was held by Council regarding the options.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 5-2 (COUNCILMEMBERS TORRES AND ONTIVEROS-COLE OPPOSED), to approve Resolution No. 2019-148 as amended by Council. Applicant must remove vinyl fencing but does not have to stucco the block wall.

- 22.** Introduction and First Reading of an Ordinance Adopting a Code Amendment to the City of Pomona Zoning Ordinance (PZO) for the Purpose of Regulating Accessory Dwelling Units (ADUs) in Accordance with State Law

It is recommended that the City Council open the public hearing and after receiving testimony and public comment, close the public hearing, introduce, waive further and give first reading to the following ordinance:

ORDINANCE NO. 4269

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, APPROVING CODE AMENDMENT (CODE 12324-2019) ADDING SECTION

.5809-26 TO THE CITY OF POMONA ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS, AMENDING SECTION .580, .5809-13 AND SECTION .560 OF THE POMONA ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS, DELETING "SECOND UNIT HOUSING" FROM SECTION .062 OF THE CITY OF POMONA ZONING ORDINANCE, AND DELETING SECTION .503-H(C)(4) FROM THE CITY OF POMONA ZONING ORDINANCE

Vinny Tam, Associate Planner, gave the presentation and, along with Gustavo Gonzalez, answered questions from Council.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, to open the Public Hearing

Elinor Crescenzi spoke on the importance of sustainable construction materials.

Mandeep Rupal spoke on the ordinance as being too restrictive and wouldn't allow an Accessory Dwelling Unit on their property which is needed for her mother in law.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 7-0, to close the Public Hearing

Discussion was held by Council regarding this item and options presented by staff.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to introduce on first reading Ordinance No. 4269 with the following amendment under Section (D)(3)(b): Conditional Use Permit. An Accessory Dwelling Unit that deviates from the following standards in this section may be approved through a Conditional Use Permit under Section .580: number of rooms (F)(3), unit size (F)(4), location restriction (F)(8), roof eaves (F)(10), architecture (F)(13), and owner occupancy (F)(23).

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Garcia raised the issue of having translation at Commission Meetings. She also asked about raising park fees again.

Mayor Sandoval asked about a fee study and when that would be done.

Councilmember Torres asked about whether the City could do a resolution declaring a state of emergency for the homeless situation.

ADJOURNMENT

The City Council Meeting was adjourned at 11:46 p.m. on September 9, 2019.

Respectfully submitted,

ATTEST:

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

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