



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 Victor Preciado
Councilmember Rubio R. Gonzalez
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, November 18, 2019

7:00 PM

Council Chambers

5:30 P.M. City Council Conference Room

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Two matters regarding exposure to litigation will be discussed (Pursuant to Government Code Section 54956.9 (d)(2))

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Sonia Carvalho reported that the City Council had convened into Closed Session at 5:40 p.m. with Mayor Sandoval calling the Closed Session meeting to order. Councilmembers Ontiveros-Cole, Preciado, Gonzalez and Garcia were present and Councilmember Lustro was absent. Councilmember Torres arrived to the meeting at 6:05 p.m. City Attorney Carvalho reported that Council discussed the two matters under Item A – Conference with Legal Counsel – Anticipated Litigation and legal counsel was given direction but no reportable action was taken.

7:00 P.M. Council Chambers

CALL TO ORDER

Mayor Sandoval called the City Council Meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The JROTC Color Guard from Garey High School along with Military Veteran Jeff Hodges led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Tim Sandoval
Vice-Mayor Victor Preciado
Councilmember Rubio R. Gonzalez
Councilmember Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Robert Torres

Absent: Councilmember Steve Lustro

STAFF PRESENT

Linda Lowry, City Manager
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
Genoveva Rocha, Deputy City Clerk

PRESENTATIONS

- A.** Certificate of Recognition to World Mission Society Church of God and ASEZ for Beautifying and Cleaning Outdoor Spaces in Pomona during their November 10, 2019 Holt Avenue Clean-Up
- B.** Certificate of Recognition to Pomona Veteran(s)
- C.** Certificate of Recognition to Garey High School Girls' Volleyball for Winning the First CIFSS League Championship in School History

- D. Certificate of Recognition to Garey High School Marching Band
- E. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming December 1st, 2019 as "World AIDS Day 2019" in the City of Pomona

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Garcia thanked those individuals and organizations who came out for the Philadelphia Park clean-up on November 9, 2019 along with City staff. She also shared that there would be a Wellness Meeting on November 19, 2019 at Philadelphia Park from 6:00 p.m. to 8:00 p.m.

Councilmember Ontiveros-Cole thanked the Pomona Police for hosting the pancake breakfast fundraiser and also shared that she attended the Kennedy Austin Foundation 1st Annual Courageous Woman Award and also the District 4 "Lassie" home event. Councilmember Ontiveros-Cole invited the public to the Pomona Valley Food Bank ribbon cutting ceremony on November 22, 2019 and thanked colleagues for the purchasing of Civic Center lights for the upcoming Christmas tree lighting ceremony.

Councilmember Torres thanked Blue Shield and L.A. Care for their opening of the Community Resource Center located near Holt Blvd. and White Ave and encouraged members of the community to seek out the various resources that the Center had to offer. He also thanked the public and Veterans for attending the Veterans Day event at the American Legion and reminded the public that the next Town Hall Meeting would be taking place on December 5, 2019 at 6:30 p.m. at Ganesha Park.

Councilmember Gonzalez shared that he attended the Blue Shield and L.A. Care Community Resource Center grand opening and also the flag ceremony at the American Legion on Veterans Day. He also indicated that he had attended the Chalk Art Festival and the 2nd Saturday Art Walk. Councilmember Gonzalez stated that he participated in the Human Trafficking Awareness Forum held at Pomona Unified School District's Village Conference Center and also the California Policy Training in the City of Upland.

Mayor Sandoval stated that he was thankful for all the efforts being done by the various organizations within the City.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry indicated that she had no report for Council.

PUBLIC PARTICIPATION

Alfonso Villanueva spoke on his support of the mural located at Tony Cerda Park and shared that a police oversight commission should not be formed.

Justin Jackson, representative from Supervisor Hilda Solis' Office, presented checks to the City's senior centers for the upcoming holiday meals.

Adelaide Hsu, Project Manager and Grant Writer for California Consulting, Inc., spoke on the grant writing services California Consulting, Inc. could provide for the City of Pomona.

Edward Samaniego spoke on his concerns with respect to upgrading Tony Cerda Park.

M. Joyce Bakersmith thanked the Council for their support of the October 19, 2019 18th Annual Cultural Festival.

Irene Aguirre complemented and thanked the City Council for all the work they do for the City to better Pomona.

Marianne & William Cintron gave an update on events that took place in the month of October for Dyslexia Awareness Month and recognized the Council for their support.

Walter Marquez, representative from Fairplex, gave an update of events that occurred at the Fairplex.

CONSENT CALENDAR

A motion was made by Councilmember Torres and seconded by Councilmember Ontiveros-Cole, to approve the Consent Calendar except for Item No. 3 which was pulled for discussion and voted on separately. Motion carried by a vote of 6-0 with Councilmember Lusto absent.

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:

October 15, 2018 Meeting Minutes
July 15, 2019 Meeting Minutes

A motion was made by Councilmember Torres and seconded by Councilmember Ontiveros-Cole, to approve the October 15, 2018 and July 15, 2019 Meeting Minutes. Motion carried by a vote of 6-0 with Councilmember Lusto absent.

2. Approval of Right-of-Way Contracts for City Owned Properties Associated with the State Route 71 Widening Project

It is recommended that the City Council approve Right-of-Way Contracts with the State of California Department of Transportation (DOT) and authorize the City Manager to execute the contracts and all related amendments, subject to approval as to form by the City Attorney.

A motion was made by Councilmember Torres and seconded by Councilmember Ontiveros-Cole, to approve Right-of-Way Contracts with the State of California Department of Transportation (DOT) and authorize the City Manager to execute the contracts and all related amendments, subject to approval as to form by the City Attorney. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

3. Second Reading and Adoption of an Ordinance Approving a Commercial Cannabis Permit Program Overlay District in the City of Pomona

It is recommended that the City Council adopt the following ordinance which establishes a Commercial Cannabis Permit Program Overlay District, as amended at the November 4, 2019 City Council meeting (CODE 12664-2019):

ORDINANCE NO. 4273 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A COMMERCIAL CANNABIS PERMIT PROGRAM OVERLAY DISTRICT

Item No. 3 was discussed and voted on by Council after Item No. 8 at the request of Mayor Sandoval.

Development Services Director Anita Gutierrez and Senior Planner Ata Khan gave a brief presentation on Item No. 3 with respect to the 600 foot buffer along the perimeter of the City.

Arthur Reyna suggested an alternative cannabis zoning approach to the City Council.

Darell Kruse spoke in opposition of cannabis permit program overlay district.

Gregory Lucas spoke in opposition of overlay district.

Rodolfo Valenzuela spoke in opposition of district.

Marcos Molina spoke on the dangers of youth smoking cannabis and asked the Council to include added protections for reducing youth access to cannabis with the inclusion of dispensaries within the City.

Abigail Jimenez spoke in opposition of suggested cannabis permit program overlay district.

Peter Gallup spoke in opposition of a proposed location for a cannabis business on Foothill Blvd., north Pomona.

Ann Tomkins asked for a change to the proposed ordinance by adding the requirement of incoming cannabis businesses acquiring a Conditional Use Permit (CUP) to open a business.

Rosie Hernandez spoke in opposition of proposed cannabis locations.

Javier Flores spoke in opposition of cannabis locations.

Miranda Sheffield proposed for a community meeting for the public around Foothill and Towne with respect to a proposed location for a cannabis business in that area.

Judy St. John spoke on concerns with respect to proposed cannabis locations.

Mike Mendoza spoke on concerns with cannabis application process.

After Council and City staff discussion, a motion was made by Councilmember Preciado and seconded by Councilmember Ontiveros-Cole, to adopt Ordinance No. 4273. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

4. Appointment of Robert DeLoach as Interim Water Resources Director Pursuant to Government Code Section 21221(h)

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

RESOLUTION NO. 2019-182 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPOINTING ROBERT DELOACH AS THE INTERIM WATER RESOURCES DIRECTOR, PURSUANT TO GOVERNMENT CODE SECTION 21221(h)

A motion was made by Councilmember Torres and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-182. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

5. Appropriation of \$120,000 from Available Measure M Funds to "Safety Improvements - At-Grade Crossings," Project No. 428-2590-XXXXX-68551 and Approve An Agreement with San Gabriel Valley Council of Governments (SGVCOG) for Additional Improvements and Award of Sole Source Open Purchase Orders to Ameron Pole Products, and McCain, Inc. for Traffic Signal Materials and Equipment

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-180 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$120,000 OF AVAILABLE MEASURE M FUNDS TO "SAFETY IMPROVEMENTS - AT-GRADE CROSSINGS," PROJECT NO. 428-2590-XXXXX-68551

- 2) Approve an agreement with San Gabriel Valley Council of Governments (SGVCOG) for additional improvements;
- 3) Award of sole source open purchase orders to Ameron Pole Products, and McCain, Inc. for the purchase of traffic signal materials and equipment; and
- 4) Authorize the City Manager to execute the agreement on behalf of the City.

A motion was made by Councilmember Torres and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-180 and approve all recommendations. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

6. Agreement with California Conservation Corps (CCC) for Vegetation/Brush Clearance in the Phillips Ranch Assessment District

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

- 1) Approve an agreement with the California Conservation Corps (CCC), Pomona Center, in the amount of \$28,800 to provide vegetation and brush clearing in the Phillips Ranch area; and
- 2) Authorize the City Manager to sign the Agreement in substantially the form submitted.

A motion was made by Councilmember Torres and seconded by Councilmember Ontiveros-Cole, to approve an agreement with the California Conservation Corps (CCC), Pomona Center, in the amount of \$28,800 to provide vegetation and brush clearing in the Phillips Ranch area; and authorize the City Manager to sign the Agreement in substantially the form submitted. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

DISCUSSION CALENDAR

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

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

- 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 to Valley Indoor Swap Meet in support of their Toy Giveaway –Requested Amount: \$500
 - B) Amount to be determined in support of City Council organized Toy Drives – Requested Amount: TDB
 - C) Amount to be determined to Victory Outreach Pomona Valley in support of their Annual Harvest Nights – Requested Amount: \$500
 - D) Amount to be determined in support of the Annual Tree Lighting Ceremony – Requested Amount: TBD
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

Item No. 7 was discussed and voted on after Consent Calendar Item No. 3 was discussed and voted on at the request of Mayor Sandoval.

A motion was made by Councilmember Ontiveros-Cole and seconded by Councilmember Preciado, to approve the recommended expenditure(s) and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended items; and receive and file the recap of final amounts for previously approved projects/activities. Motion carried by a vote of 4-0 with Councilmembers Garcia, Torres & Lustro absent.

8. Introduction and First Reading of an Ordinance Establishing a Youth Commission

It is recommended that the City Council introduce, waive further, and give first reading to the following ordinance:

ORDINANCE NO. 4274 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING A YOUTH COMMISSION AND ESTABLISHING ITS PURPOSE AND STRUCTURE AND AMENDING THE CITY CODE

Item No. 8 was discussed and voted on before Consent Calendar Item No. 3 was discussed and voted on at the request of Mayor Sandoval.

Community Services Manager Mike Osoff gave the PowerPoint presentation on Item No. 8.

The following individuals submitted a speaker card indicating their *support* for Item No. 8 but did not give a public comment:

Sydney Lopez
Alexis Sanchez
Josue Garcia
Cristopher Venesas
Cristian Chaidez

Luis Castro-Limon spoke in support of the Youth Commission.

Andrew Miron spoke in support of the Youth Commission.

Anne Henderson spoke in support of the Youth Commission.

Javier Flores spoke in support of the Youth Commission.

After discussion among the City Council and City staff, a motion was made by Mayor Sandoval and seconded by Councilmember Preciado, to introduce and give first reading to Ordinance No. 4274. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

9. Overview of the City's Grants Application Review and Administration Process

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

- 1) Discuss the City's grant application process and provide direction to staff regarding seeking and applying for future grant funding on the City's behalf; and
- 2) Provide direction on community initiated grants and the process needed to incorporate these grants into the City process.

Item No. 9 was discussed after Consent Calendar Item No. 7 was discussed and voted on at the request of Mayor Sandoval.

Neighborhood Services Director Benita DeFrank gave the PowerPoint presentation on Item No. 9.

Deborah Clifford spoke on her concerns on how future grant requests will be handled for non-profits.

John Clifford spoke on his concerns with respect to the City's Library and future applications of grants for the benefit of the Library.

After City Council discussion with City staff on the grant application process, City Council provided direction to staff on community initiated grants and the process needed to incorporate these grants into the City process. No motion or vote was needed by Council for this action.

10. Receive and file the Fiscal Year 2018-19 Unaudited Year-End Overview, Review the Fiscal Year 2019-20 General Fund 1st Quarter Budget Review, and Amend the Fiscal Year 2019-20 Operating Budget and Fiscal Year 2019-20 Capital Improvement Program Budget

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

- 1) Receive and file the Fiscal Year (FY) 2018-2019 Unaudited Year-End Overview
- 2) Review the FY 2019-20 General Fund 1st Quarter Budget Report; and
- 3) Adopt the following resolution:

RESOLUTION NO. 2019-179 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2019-20 OPERATING BUDGET AND AMENDING THE FY 2019-2020 CAPITAL IMPROVEMENT PROGRAM BUDGET BY APPROPRIATING \$253,928 OF AVAILABLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS TO THE "EMERGENCY SHELTER ANNEX/WATER UTILITY ACCESS," PROJECT NUMBER NO. 428-2590-XXXXX-71053

Item No. 10 was discussed and voted on after Item No. 12 was discussed and voted on at the request of Mayor Sandoval.

Finance Director Mowbray gave a PowerPoint presentation on Item No. 10.

After Council discussion, a motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to receive and file the Fiscal Year (FY) 2018-2019 Unaudited Year-End Overview; review the FY 2019-20 General Fund 1st Quarter Budget Report; and adopt Resolution No. 2019-179. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

11. Authorize the City Manager to Commence Validation Proceedings Related to the Issuance of Pension Obligation Bonds and Confirm the Selection of Financing Team

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

- 1) Authorize the City Manager to commence Judicial Validation Proceedings related to the Sale of Pension Obligation Bonds; and
- 2) Confirm a selected financing team composed of Urban Futures, Inc., to serve as financial advisor to the City; Stradling, Yocca, Carlson & Rauth, to serve as Bond Disclosure Counsel to the City and to manage the validation proceedings; and RBC Capital Markets to serve as the lead underwriter for the Bonds.
- 3) Authorize the City Manager to execute sole source contracts to complete the intent of the Finance Team.

Item No. 11 was discussed and voted on after Item No. 9 was discussed at the request of Mayor Sandoval.

Finance Director Andrew Mowbray along with the City's Financing Team of Urban Futures, Inc. gave a presentation on Item No. 11.

After Council discussion, a motion was made by Councilmember Gonzalez and seconded by Councilmember Ontiveros-Cole, to authorize the City Manager to commence Judicial Validation Proceedings related to the Sale of Pension Obligation Bonds; and confirm a selected financing team composed of Urban Futures, Inc., to serve as financial advisor to the City; Stradling, Yocca, Carlson & Rauth, to serve as Bond Disclosure Counsel to the City and to manage the validation proceedings; and RBC Capital Markets to serve as the lead underwriter for the Bonds; and authorize the City Manager to execute sole source contracts to complete the intent of the Finance Team. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

PUBLIC HEARINGS

- 12.** Introduction and First Reading of an Ordinance Awarding Non-Exclusive Towing Franchises for City-Initiated Tows to Three (3) Franchises and Adoption of a Resolution to Increase the Maximum Tow and Storage Charges for City-Initiated Tows

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

- 1) Open the public hearing and after receiving testimony and public comment, close the public hearing and introduce and waive first reading of the following ordinance:

ORDINANCE NO. 4272- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AWARDING NON-EXCLUSIVE TOWING FRANCHISES FOR CITY-INITIATED TOWS TO SANDERS TOWING INC., S & J TOWING SERVICE, INC., AND CARPE CARMA, LLC, dba POMONA VALLEY TOWING, FOR A TERM OF THREE YEARS

2) Adopt the following resolution:

RESOLUTION NO. 2019-181 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE MAXIMUM ALLOWABLE TOW AND STORAGE RATE SCHEDULE FOR CITY-INITIATED TOWS

Police Chief Mike Olivieri gave a brief overview on Item No. 12.

A motion was made by Councilmember Ontiveros-Cole and seconded by Councilmember Garcia to open the Public Hearing. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

Scott Dilley from Sanders Tow thanked the City Council for their consideration in awarding Sanders Tow a contract with the City.

Marc Weiss from Pomona Valley Towing requested a small raise from the City with the proposed contract.

A motion was made by Councilmember Preciado and seconded by Councilmember Garcia to close the Public Hearing. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

A motion was made by Mayor Sandoval and seconded by Councilmember Gonzalez, to introduce and waive first reading of Ordinance No. 4272 and adopt Resolution No. 2019-181. Motion carried by a vote of 6-0 with Councilmember Lustro absent.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Garcia requested that City staff provide names of families to the Council that could benefit from the City Council's Toy Drive.

Mayor Sandoval also requested names of families that could benefit from a Thanksgiving turkey meal give-away within the City.

Councilmember Ontiveros-Cole asked about the status of the outreach the City will be doing with respect to sidewalk vendors.

Mayor Sandoval requested that a standard PowerPoint presentation template be constructed and used by all city staff to represent the City of Pomona.

City Manager Linda Lowry and Council gave their best wishes to Water Resources Director Darron Poulsen on his new employment.

ADJOURNMENT

The City Council meeting was adjourned at 11:18 p.m. on Monday, November 18, 2019.

Respectfully submitted,

ATTEST:

ROSALIA A. 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