



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, October 21, 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

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

Property:	Southwest Corner of Mission Blvd. & Park Avenue APNs 8341-010-914, 915, 916, 917, 918, 919, 920 and 921
Negotiating Party:	Jamboree Housing Corporation
City's Negotiator:	Linda Lowry, City Manager
Under Negotiation:	Price and Terms

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Sonia Carvalho reported that the City Council had convened into Closed Session at 5:45 p.m. with Vice-Mayor Preciado calling the Closed Session meeting to order. Councilmembers Lustro, Ontiveros-Cole, and Garcia were present and Mayor Sandoval joined the meeting by phone at 5:50 p.m. Councilmember Gonzalez arrived to the meeting at 5:55 p.m. Councilmember Torres was absent. City Attorney Carvalho reported that Council was given an update on Item A – Conference with Legal Counsel-Existing Litigation with *Inland Valley Humane Society v. City of Pomona* but no reportable action was taken. Ms. Carvalho also stated that direction was given to counsel by the City Council on Item B – Conference with Legal Counsel-Anticipated Litigation. City Attorney Carvalho also added that City Council provided direction to City staff on Item C – Conference with Real Property Negotiators.

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

A Military Veteran from the audience led the Pledge of Allegiance.

ROLL CALL

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

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 Pomona Veteran(s)
- B.** A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming the Month of October 2019 as “Domestic Violence Awareness Month” in the City of Pomona
- C.** A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming the Week of October 20-26, 2019 as “Childhood Cancer Awareness Week” in the City of Pomona

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Preciado stated that he attended the League of California Cities conference as the City’s delegate and also shared that the month of November was “No Shave” November which shows awareness for cancer prevention.

Councilmember Garcia thanked Humanity Church & Project Sister Family Services for hosting a self-defense class for the community. She also shared that there was a community meeting at Renacimiento Community Center on October 9th for District 3 and urged the community to watch their speed on the streets. Councilmember Garcia shared that on November 9, 2019 there would be a clean-up in coordination with Pomona Beautiful at Philadelphia Park.

Councilmember Torres gave an update on the illegal cannabis dispensary located on Garey Avenue and Arrow Highway and shared that with added pressure from the City, a case will soon be built around this illegal business. Mr. Torres also gave an update on the future of the vacant lot located on LaVerne Avenue and Garey Avenue where a Federal Administration building will soon be built in that area. Councilmember Torres thanked staff for these updates and also thanked the Pomona Police Department for holding area commander meetings along with Ganesha Hills Neighborhood Watch meetings.

Councilmember Lustro shared that he represented the City Council at the 25th Anniversary of the Lyle Center for Regenerative Studies at Cal Poly Pomona on October 11, 2019. Mr. Lustro also stated that he attended the 3rd Annual Pomona 5k/10k Run. Councilmember Lustro also indicated that he had attended the City’s Neighborhood Services Department Community Needs meeting and shared that he had participated in a clean-up on Butterfield Road.

Councilmember Gonzalez shared that he participated in the Indigenous People’s Day event, Willie White Park Cultural Festival, Historical Society’s Padua Hills Commemoration event and the West Columbia Ave. Neighborhood Watch meeting. Councilmember Gonzalez also gave the Council Red Cross Prepare Pomona bags which are available to residents to be used in an emergency and he also thanked the Pomona Police Department

for rescuing a 17-year old from sex trafficking.

Councilmember Ontiveros-Cole thanked M. Joyce Bakersmith for her participation at the Cultural Festival at Willie White Park. She also spoke on her own participation in the City's 5k run and also urged the public to see their doctor and obtain their yearly medical exams for good health.

Mayor Sandoval explained that the reason the City Council shares the various events occurring within the City is to ultimately show the public the various events that are being brought forth by the residents and business community of Pomona. He also thanked the organizers of the 5k, 10k, Toddler Run and congratulated City Manager Linda Lowry on her win at the run. Mayor Sandoval thanked the Chief of Police along with his staff for their participation in the City's community meetings and shared that he had participated in the Latino College Expo, the Cultural Festival at Willie White Park and the Indigenous People's Day event.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry requested that the City Council remove the resolution from Item No. 13 on the agenda and only approve the agreement due to the appropriation of funds not being needed because funds had already been budgeted for this item. Ms. Lowry also requested that Item No. 19A pertaining to the Fairplex City Letter of Agreement be moved from the Consent Calendar to the Discussion section of the agenda.

Councilmember Torres requested that Item No. 19A be discussed and voted on first in the Discussion section of the agenda.

Mayor Sandoval asked for Item No. 19A stay under the Consent Calendar section of the agenda but be pulled for further discussion by Council.

PUBLIC PARTICIPATION

The following speaker did not wish to speak, however Mayor Sandoval read their names into the record along with their support or opposition for park improvements at Tony Cerda Park:

Olga Gomez – In Support

Connie Almaguer – In Support

Brenda Munoz – In Support

John Clifford did not speak however indicated on his speaker card that he was in support of agenda Item No.'s 6, 7, 8 & 9.

Michael Webb indicated that Tow Zone Towing is illegally towing vehicles in the City.

Sherie Rodgers, President of the Pomona Inland Valley MLK Event, thanked the City for their support and invited the Council to the 38th Annual Pomona Inland Valley MLK Celebration Event.

Daniel Luevanos spoke on organ donation and the preparation of the Donate Life Rose Float.

Martin Landeros, member of St. Madeleine Catholic Church, invited the City Council to its 88th Procession of the Lady of Guadalupe on November 5, 2019 beginning at Garfield Park.

Deborah Clifford, member of the Historical Society of Pomona Valley, spoke on historical figures who inhabited Pomona and its surrounding areas.

Grace Rosales invited the Council and public to the 10th year anniversary of Tony Cerda Park on Saturday, October 26, 2019 from 10:00 a.m. to 4:00 p.m.

Irene Aguirre spoke on her support of the painted mural at Tony Cerda Park by City youth.

Javier Flores informed the Council of illegal dispensary business within the City.

M. Joyce Bakersmith thanked the Mayor and Councilmembers for their support of the Cultural Festival at Willie White Park.

Edward Samaniego spoke on his support of the upgrade at Tony Cerda Park.

Fabian Pavon, Parks & Recreation Commissioner, spoke on various updates and improvements being made to City parks.

Shonique Williams shared her thoughts on social equity and the topic of cannabis.

Nita Watson requested funding support from the Council for her business called the Self Care Lab Boxing Club.

Donna Otero thanked the City and the City Council for their support with the event of Indigenous People's Day.

Andrea Edwards voiced her support of the mural at Tony Cerda Park and indicated that the Park needed improvements.

Miranda Sheffield spoke on the topic of cannabis and the importance of social equity.

Orlando Arias asked the Council for needed improvements at Tony Cerda Park.

Miguel Santana, President and CEO of the Fairplex, spoke on the final statistics of the 2019 L.A. County Fair and thanked the Pomona Police Department for their presence.

Afton Germany, representative of Natural Strains, LLC, requested that the City Council amend the cannabis ordinance to include verbiage on social equity.

Grace Rosales spoke on accomplishments done by Tony Cerda for the City and asked Council for park improvements at Tony Cerda Park.

Jesus Sanchez, founder of Gente Organizada, spoke on the issue of adding social equity into the cannabis ordinance.

Lateff Hinton requested that the City Council amend the cannabis ordinance to include social equity.

Elinor Crecenzi spoke on social justice.

CONSENT CALENDAR

Mayor Sandoval requested to have Item No. 19A discussed and voted first before approving all other Consent Calendar items.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to approve the Consent Calendar except for Item No.'s 2, 3, 4, 10, 13 & 15 which were pulled for discussion and voted on separately. Motion carried by a vote of 7-0.

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:

September 10, 2018 Meeting Minutes

August 19, 2019 Meeting Minutes

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to approve the September 10, 2018 and August 19, 2019 Meeting Minutes. Motion carried by a vote of 7-0.

2. Approval of the Annual Destruction of Records Citywide

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

RESOLUTION NO. 2019-156 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE ANNUAL DESTRUCTION OF DOCUMENTS MAINTAINED CITYWIDE IN ACCORDANCE WITH THE CITY OF POMONA RECORDS RETENTION SCHEDULE

Benjamin Wood spoke on his concerns with the annual destruction of citywide records.

City Clerk Rosalia Butler and Police Chief Mike Olivieri explained the need for an annual destruction of citywide records in order to be in compliance with the City's current retention schedule.

After further discussion between the City Council and City staff, a motion was made by Councilmember Torres and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-156. Motion carried by a vote of 7-0.

3. Approving an Amendment to the FY 2019-20 Operating Budget and an Amendment to the FY 2019-20 Capital Improvement Program (CIP) Budget for the Purchase and Installation of Additional Security Cameras in the Total Amount of \$49,000 for FY 2019-20

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

RESOLUTION NO. 2019-171 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN AMENDMENT TO THE FY 2019-20 OPERATING BUDGET AND AN AMENDMENT TO THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY 1) RE-APPROPRIATING \$24,500 FROM THE "VPD - PARKING LOTS REHABILITATION," PROJECT NO. 230-2590-XXXXX-71022 TO THE FY 2019-20 OPERATING BUDGET AND, 2) APPROPRIATING AN ADDITIONAL \$24,500 FROM VPD FUND BALANCE TO FY 2019-20 OPERATING BUDGET FOR CONTRIBUTIONS TO THE DOWNTOWN POMONA OWNERS ASSOCIATION (DPOA) FOR THE PURCHASE AND INSTALLATION OF ADDITIONAL SECURITY CAMERAS IN THE TOTAL AMOUNT OF \$49,000 FOR FY 2019-20

John Mendoza spoke on his concerns with the negative activity occurring in the Downtown area.

Mayor Sandoval asked City staff where the funds were being obtained from for the purchase and installation of additional security cameras in the Downtown area.

Deputy City Manager Kirk Pelsner explained that funds were obtained from Vehicle Parking District permits and daily fees.

Mayor Sandoval also asked about the crime in the Downtown area.

Larry Egan shared that the Downtown area is one of the safest in the City with 24-hour security.

A motion was made by Councilmember Lustro and seconded by Councilmember Preciado, to adopt Resolution No. 2019-171. Motion carried by a vote of 7-0.

4. Second Reading and Adoption of Ordinance No. 4270 Pertaining to Sidewalk Vending

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

ORDINANCE NO. 4270 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING ARTICLE X OF CHAPTER 30 OF THE POMONA CITY CODE TO CREATE A SIDEWALK VENDING PROGRAM, AND AMENDING SECTION 38-73 RELATING TO VENDING IN PARKS AND FINDING THE SAME EXEMPT FROM CEQA

Mayor Sandoval read the names and position into the record of the following individuals who submitted a speaker card but wished not to speak:

Micaela Camacho – In Support
Stephanie Munoz – In Support
Greg Zuniga – In Support
Beatriz Rodriguez – In Support

Melvin Castro spoke in opposition of Item No. 4.

M. Joyce Bakersmith spoke in opposition of street vendors.

Hazar Castro spoke in opposition of Item No. 4.

Benjamin Wood spoke on his concerns with the adoption of Ordinance No. 4270.

Elinor Crescenzi spoke on her concerns with the regulation of street vendors.

James Sanbrano shared that he was in opposition of the adoption of Ordinance No. 4270.

Jesus Sanchez, founder of Gente Organizada, spoke on how this ordinance would negatively impact sidewalk vendors.

Councilmember Ontiveros-Cole spoke on her support of the sidewalk vending ordinance and asked what the insurance requirements were for sidewalk vending and the costs.

Deputy City Manager Mark Gluba explained that the costs that Councilmember Ontiveros-Cole was referring to were actual County health permit cost and not

insurance costs.

Councilmember Ontiveros-Cole asked about the hours that sidewalk vendors were allowed to sell their product and inquired about the preparation of the food that sidewalk vendors are selling.

Deputy City Manager Gluba stated that under legislation SB 946 the City cannot restrict the hours of sidewalk vendors further than other businesses located on the same street as the sidewalk vendor. Mr. Gluba also added that the preparation of food on the sidewalk by vendors is due to the lack of regulations and enforcement in the City and County Health Department.

Councilmember Garcia clarified that this type of business is a cash based business and brought forward the idea of micro loans for those sidewalk vendors who would like to begin their business.

Mayor Sandoval inquired about the cost of insurance for a sidewalk vendor business and asked what the consequences for the City would be if the City did not require insurance.

Deputy City Manager Gluba responded that the cost was roughly \$600 for an annual policy.

City Attorney Sonia Carvalho stated that if insurance wasn't required, that the City would be solely responsible for liability claims that were made and if there is a lawsuit against the City, the City is able to defer to the vendors insurance first.

Mayor Sandoval asked about the health permit and inquired about what other cities are using as alternatives.

Deputy City Manager Gluba responded that the City is looking for a sticker which indicates proof of a health permit and clarified that the County and City of Los Angeles all require health permits within their own jurisdictions.

After further discussion by City Council and City staff, a motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Ordinance No. 4270. Motion carried by a vote of 7-0.

5. Appointment of a Delegate to Represent the City of Pomona at the Four Corners Coalition Dissolution Meeting

It is recommended that the City Council appoint the City Manager as the delegate from the City of Pomona to attend a meeting(s) to dissolve the Four Corners Coalitions, a 501.c.4 organization created in 2006 to lobby for transportation project funding.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to appoint the City Manager as the delegate from the City of Pomona to attend a meeting(s) to dissolve the Four Corners Coalitions, a 501.c.4 organization created in 2006 to lobby for transportation project funding. Motion carried by a vote of 7-0.

6. Approval of a Mills Act Contract for a Property Located at 1395 North Palomares Street

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

RESOLUTION NO. 2019-165 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 1395 NORTH PALOMARES STREET

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-165. Motion carried by a vote of 7-0.

7. Approval of a Mills Act Contract for a Property Located at 333 San Francisco Avenue

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

RESOLUTION NO. 2019-166 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 333 SAN FRANCISCO AVENUE

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-166. Motion carried by a vote of 7-0.

8. Approval of a Mills Act Contract for a Property Located at 337 San Francisco Avenue

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

RESOLUTION NO. 2019-170 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 337 SAN FRANCISCO AVENUE

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-170. Motion carried by a vote of 7-0.

9. Approval of a Mills Act Contract for a Property Located at 480 E. McKinley Avenue

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

RESOLUTION NO. 2019-169 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 480 E. MCKINLEY AVENUE

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-169. Motion carried by a vote of 7-0.

10. Acceptance of the U.S. Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant Award (JAG) in the Amount of \$56,496, and Amending the FY 2019-20 Operating Budget by Increasing Revenue Estimates and Appropriations by \$56,496

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

RESOLUTION NO. 2019-164 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE U.S. DEPARTMENT OF JUSTICE (DOJ) EDWARD BRYNE MEMORIAL JUSTICE ASSISTANCE GRANT AWARD (JAG) IN THE AMOUNT OF \$56,496, AND AMENDING THE FY 2019-20 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS BY \$56,496

Councilmember Gonzalez stressed that this grant would provide resources for the Police Department with respect to gang suppression and human trafficking.

A motion was made by Councilmember Gonzalez and seconded by Councilmember Torres, to adopt Resolution No. 2019-164. Motion carried by a vote of 7-0.

11. Authorize the Use of the Omnia Public Sector Cooperative Agreement Region 4 ESC Contract #R142215 Awarded to Trendway Design Studio to Purchase Office Furniture in the Amount of \$125,272

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

- 1) Authorize the use of the Omnia Public Sector Cooperative Agreement Region 4 ESC Contract #R142215 awarded to Trendway Design Studio to purchase office modular furniture in the amount of \$125,272; and
- 2) Authorize the City Manager, or designee, to execute any and all agreements on behalf of the City.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to authorize the use of the Omnia Public Sector Cooperative Agreement Region 4 ESC Contract #R142215 awarded to Trendway Design Studio to purchase office modular furniture in the amount of \$125,272 and authorize the

City Manager, or designee, to execute any and all agreements on behalf of the City. Motion carried by a vote of 7-0.

12. Approval of the Police Department's Expenditure Plan for FY 2019-20 Supplemental Law Enforcement Services Account (SLESA), and Amending the FY 2019-20 Operating Budgets by Increasing Revenue Estimates and Appropriations by \$355,000

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

RESOLUTION NO. 2019-167 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE POLICE DEPARTMENT'S EXPENDITURE PLAN FOR FY 2019-20 SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACCOUNT (SLESA), AND AMENDING THE FY 2019-20 OPERATING BUDGETS BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS BY \$355,000

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-167. Motion carried by a vote of 7-0.

13. Approval of a One-Year Agreement to Continue with the Pomona Unified School District's (PUSD) Community School Resource Officer (CSRO) Program

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-145 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A ONE-YEAR AGREEMENT TO CONTINUE WITH THE POMONA UNIFIED SCHOOL DISTRICT'S (PUSD) COMMUNITY SCHOOL RESOURCE OFFICER (CSRO) PROGRAM, AND AMENDING THE FY 2019-20 OPERATIONAL BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS BY \$166,766

- 2) Authorize the City Manager, or designee, to execute any and all agreements on behalf of the City, in substantially the form submitted, subject to review and approval as to form by the City Attorney.

City Manager Lowry requested that it be read into the record that the Mayor and City Council approved the one-year agreement to continue with the Pomona Unified School District's Community School Resource Officer Program and agreed to remove the resolution amending the budget by appropriating funds which were already budgeted.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to approve the one-year agreement to continue with the Pomona Unified School District's Community School Resource Officer Program.

Motion carried by a vote of 7-0.

14. Approval of a Summary Vacation VU3-2019 of the City's Unused Water Easement Over Portion of Lot 5 of Alvarado Tract Rancho San Jose, Related to the Redevelopment of the Roosevelt Elementary School Located at 701 N. Huntington Street, Pomona, CA

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-172 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUMMARY VACATION VU3-2019 OF THE CITY'S UNUSED WATER EASEMENT AND APPROVING QUITCLAIM DEED FOR THE VACATED WATER EASEMENT LOCATED OVER A PORTION OF LOT 5 OF ALVARADO TRACT RANCHO SAN JOSE, ASSESSOR PARCEL NUMBER 8357-010-902

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

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-172 and authorize the City Manager to execute the Quitclaim Deed on behalf of the City. Motion carried by a vote of 7-0.

15. Approval of the Application(s) for Per Capita Grant Funds through the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68)

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

RESOLUTION NO. 2019-149 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE APPLICATION(S) FOR PER CAPITA GRANT FUNDS THROUGH THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018 (PROPOSITION 68)

Councilmember Preciado asked for clarification on the grant being asked for approval and also asked if this grant was a part of two previous Proposition 68 grants approved by Council.

Public Works Director Rene Guerrero stated that this grant was part of the two previous grants approved by Council and that this particular per capita grant would be awarded by the State. Mr. Guerrero gave an update on the two Proposition 68 grants Councilmember Preciado inquired about and stated that the State had recently informed the City that it had made it to the next round in the grant process for consideration and that representatives from the State would be coming to the City to

visit with City staff. Mr. Guerrero gave an update on improvements at Tony Cerda Park.

After further discussion with City Council and City staff, a motion was made by Mayor Sandoval and seconded by Councilmember Garcia, to adopt Resolution No. 2019-149. Motion carried by a vote of 7-0.

Councilmember Torres exited the dais at 10:45 p.m. and returned to the dais at 11:40 p.m.

- 16.** Award a Sole Source Contract to the San Gabriel Valley Council of Governments (SGVCOG) for Professional Services Related to the Measure H Funded City Planning and Homeless Program Implementation of the Tri-Cities Cohort, Priority Area 1 Housing Trust Feasibility Study for an amount not to exceed \$50,000

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

- 1) Award a sole source contract to the San Gabriel Valley Council of Governments (SGVCOG) for Professional Services related to the Measure H funded City Planning and Homeless Program Implementation of the Tri-Cities Cohort, Priority Area 1 Housing Trust Feasibility Study for an amount not to exceed \$50,000; and
- 2) Authorize the City Manager to execute the contract award and other documentation, subject to approval as to form by the City Attorney.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to award a sole source contract to the San Gabriel Valley Council of Governments (SGVCOG) for Professional Services related to the Measure H funded City Planning and Homeless Program Implementation of the Tri-Cities Cohort, Priority Area 1 Housing Trust Feasibility Study for an amount not to exceed \$50,000 and authorize the City Manager to execute the contract award and other documentation, subject to approval as to form by the City Attorney. Motion carried by a vote of 7-0.

- 17.** Approve the Purchase of Vehicles for Water Resources Department from National Auto Fleet, in the amount of \$656,195, utilizing Sourcewell Contract Number 120716-NAF

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

- 1) Approve the purchase of vehicles for Water Resources Department from National Auto Fleet, in the amount of \$656,195, utilizing Sourcewell Contract Number 120716-NAF; and
- 2) Authorize the City Manager to execute any agreements necessary to complete the purchase.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to approve the purchase of vehicles for Water Resources Department from National Auto Fleet, in the amount of \$656,195, utilizing Sourcewell Contract Number 120716 NAF and authorize the City Manager to execute any agreements necessary to complete the purchase. Motion carried by a vote of 7-0.

- 18.** Approve a Six Month Contract Extension and a Five Month Retro Contract Approval with Eurofins Eaton Analytical, Inc. for Laboratory Testing and Analysis of Water Samples

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

- 1) Approve an agreement with Eurofins Eaton Analytical Inc. ("Eurofins") for laboratory testing and analysis of water samples;
- 2) Approve a five month exceedance over the now expired agreement for billings to Eurofins for the required analysis of water samples and authorize staff to continue to utilize Eurofins until an agreement is fully executed; and
- 3) Authorize the City Manager to execute the short term agreement for laboratory services on behalf of the City, contingent on City Attorney review.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to approve an agreement with Eurofins Eaton Analytical Inc. ("Eurofins") for laboratory testing and analysis of water samples; and approve a five month exceedance over the now expired agreement for billings to Eurofins for the required analysis of water samples and authorize staff to continue to utilize Eurofins until an agreement is fully executed; and authorize the City Manager to execute the short term agreement for laboratory services on behalf of the City, contingent on City Attorney review. Motion carried by a vote of 7-0.

- 19.** Proclaim the Existence of a Local Emergency on September 25, 2019 due to a Major Water Leak and Approve Payment for the Repairs

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-152 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY ON SEPTEMBER 25, 2019, DUE TO A MAJOR WATER LEAK

- 2) Approve payment to G.M. Sager Construction Co., Inc. in the amount of \$128,950 for necessary emergency repairs; and

- 3) Authorize the City Manager to execute any agreement necessary to mitigate the local emergency, not-to-exceed total amount of \$150,000.

A motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to adopt Resolution No. 2019-152; and approve payment to G.M. Sager Construction Co., Inc. in the amount of \$128,950 for necessary emergency repairs; and authorize the City Manager to execute any agreement necessary to mitigate the local emergency, not-to-exceed total amount of \$150,000. Motion carried by a vote of 7-0.

19A. Approval of a One-Time Adjustment to the 60-Day Notice Clause for Certain Music Events in the Letter Agreement with Fairplex Regarding Fairgrounds Specific Plan

It is recommended that the City Council approve a one-time adjustment (reduction) of the sixty (60) day "Music Event" notice requirement in the attached Letter Agreement with Fairplex (Section 6) in order to accommodate a two-day Tropicalia, Hispanic Music Festival.

City Manager Lowry gave a brief overview of Item No. 19A.

The following two (2) members of the public submitted a speaker card but did not wish to speak but have their opposition vote read into the record:

Judith St. John
Mario Ramos

Miguel Santana, President and CEO of the Fairplex, gave an overview of the Tropicalia musical event and ensured the Council that the event would be a safe event for the community.

Barry Gillies, Fairplex security director, informed the Council that he was present in case the Council had any questions regarding the event.

John Mendoza shared his concerns with the Council regarding bringing the event into the community.

Nick Adler, Vice-President of Festivals for Golden Voice, spoke in support of the Tropicalia event.

Councilmember Torres clarified to the public that he does not decide which events are held at the Fairplex and expressed his concerns with the overall process in approving an exception to the sixty (60) day "Music Event" notice requirement with the Fairplex.

After further discussion between the City Council and Fairplex representatives, a motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to approve a one-time adjustment (reduction) of the sixty (60) day

“Music Event” notice requirement in the attached Letter Agreement with Fairplex (Section 6) in order to accommodate a two-day Tropicalia, Hispanic Music Festival. Motion carried by a vote of 6-1 with Councilmember Torres in opposition.

DISCUSSION CALENDAR

20. 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 The Self –Care Lab Boxing & Fitness Club in support of remodeling and new equipment – Requested Amount – TBD

B) Amount to be determined to St. Madeleine Church in support of their Pilgrimage – Requested Amount: TBD

C) Amount to be determined to Soccer Champions Youth League in support of league equipment, awards, and keeping fees low – Requested Amount: TBD

D) Amount to be determined to Passion Sports and Swift Games of Cal Poly Pomona in support of the Kite Festival – Requested Amount: \$700

E) Amount to be determined in support of Philadelphia Park Clean-Up and Beautification – Requested Amount – TBD

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

A motion was made by Mayor Sandoval 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 7-0.

21. Introduce for First Reading an Ordinance Creating a Police Commission

It is recommended that the City Council introduce and waive further reading of the following ordinance:

ORDINANCE NO. 4271 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, CREATING A POLICE COMMISSION AND ESTABLISHING ITS PURPOSE AND STRUCTURE AND AMENDING THE CITY CODE

Police Chief Olivieri gave a report on Item No. 21.

Mayor Sandoval read the names and positions of the following speakers into the record who wished not to speak:

James Otero – In Support
Donna Otero – In Support
David Ybarra – In Support
Sarah Perry – In Opposition

Dee Dee Ybarra spoke on her support of a Police Commission.

Eunice Russell spoke in support of a Police Commission.

Mike Suarez spoke in support of an independent, civilian oversight Police Commission.

Miranda Sheffield shared that more community input is needed in order to form a Police Commission.

Gonzalo Saucedo spoke about a power imbalance within the community.

Donavan requested a Police Commission with civilian oversight.

James Sanbrano asked to have the Police Commission considered through the Charter Review process.

Jesus Sanchez urged the Council not to move forward with the proposed Police Commission.

Amos Young spoke on his support of the current proposed Police Commission.

Paige Bruyn opposed the proposed Police Commission.

Guillermo Gonzalez shared his opposition of the proposed Police Commission.

Benjamin Wood indicated that he opposed the proposed Police Commission being brought forward for Council consideration and approval.

John Clifford, member of the Democratic Club of Pomona Valley, spoke on the importance of a Police Commission.

Jesus Cardenas, representative of the Pomona Police Officers Association (PPOA),

spoke in support of the proposed Police Commission.

Frank Carrillo stated his support for the proposed Police Commission.

Mayor Sandoval requested a five minute break at 11:45 p.m. Mayor Sandoval reconvened the Council meeting at 11:55 p.m.

After Council discussion, a motion was made by Mayor Sandoval and seconded by Councilmember Ontiveros-Cole, to continue this item to a future Council meeting. Motion carried by a vote of 7-0.

Councilmember Torres exited the dais at 12:00 a.m.

22. Formation of a Charter Review Commission for Purpose of Revising the Pomona City Charter

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

- 1) Review the draft bylaws for the 2020 Charter Review Commission;
- 2) Designate a budget of \$26,000 for legal services from current appropriations in support of the Charter Review Commission; and
- 2) Direct the City Clerk's Office to accept applications for the 2020 Charter Review Commission from the period of October 22, 2019 through November 12, 2019.

Human Resources Director Linda Matthews gave a PowerPoint presentation on Item No. 22.

John Clifford spoke on his experience with his service on the previous Charter Review Commission and shared his concerns with the current proposed Charter Review Commission.

James Sanbrano shared his concern with the composition of the proposed Charter Review Commission of not be 15 members as it has been in the past.

Guillermo Gonzalez spoke on his concerns with the proposed bylaws and indicated his disappointment of the time frame that the Charter Review Commission meetings are to take place.

Eunice Russell shared her concerns with having 15 individuals serving on the Commission and stressed that having 7 members on the Commission would work best.

Mayor Sandoval inquired about an individual holding two commission appointments at the same time.

City Attorney Carvalho clarified that the City Council had the discretion to allow current commissioners to also serve on the Charter Review Commission since it is considered to be a temporary commission.

Councilmember Garcia asked about the election timeline to place Charter amendments on the ballot for voter consideration and recommended for an at-large appointment of appointees and also that the Mayor's appointment should Chair the Commission.

Human Resources Director Matthews gave an explanation of the timeline being proposed.

Councilmember Gonzalez expressed that he too agreed with an at-large appointment of appointees.

Mayor Sandoval asked the City Attorney for clarification of the need for 15 members to the Commission and not 7 members as brought forward by speaker James Sambrano.

City Attorney Carvalho clarified that per the Government Code, a General Law city going through the process to become a Charter city would need to bring forward a Commission of 15 members. The City of Pomona as an already established Charter city would not need to meet this 15 member requirement.

Mayor Sandoval indicated that it would be preferential to bring any Charter amendments for voter consideration during the 2020 election in November and asked about being able to parcel out the various amendments.

After further discussion between the City Council and City staff, a motion was made by Councilmember Garcia and seconded by Councilmember Ontiveros-Cole, to review the draft bylaws for the 2020 Charter Review Commission; designate a budget of \$26,000 for legal services from current appropriations in support of the Charter Review Commission; direct the City Clerk's Office to accept applications for the 2020 Charter Review Commission from the period of October 22, 2019 through November 12, 2019; and approve the amendments Council discussed that include Council being able to make at-large appointments of commissioners and allowing current commissioners to serve on the Charter Review Commission at the same time as they serve on their current commissions. Motion carried by a vote of 6-0 with Councilmember Torres being absent.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Ontiveros-Cole asked about a protection policy for city trees being cut down and shared that there were 50 year old trees being cut down at Wal-Mart.

Councilmember Lustro requested an update on the abatement regency billboards.

ADJOURNMENT

A motion was made by Mayor Sandoval and seconded by Councilmember Garcia to adjourn the City Council meeting at 12:30 a.m. on Monday, October 21, 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