



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, February 03, 2020

7:00 PM

Council Chambers

5:30 P.M. City Council Conference Room

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - PENDING 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

Sayari v. City of Pomona
L.A. County Superior Court, Case No BS170504

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Pursuant to Government Code Section 54956.9 (d)(2))

Eight (8) matters regarding exposure to litigation will be discussed

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

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

Pomona City Employees' Association, a Chapter of Teamsters Local 1932
Pomona Mid-Management Confidential Employees Association (PMMCEA)
Pomona Police Officers Association (PPOA)
Pomona Police Managers Association (PPMA)

Labor Negotiators: James Makshanoff and Linda Matthews

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)
Property: N/E Corner of Center and Main Streets (VPD Lot 1);
APN 8336-022-901
Negotiating Party: TTF Properties, LLC
City's Negotiator: James Makshanoff, City Manager
Under Negotiation: Price and Terms

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Carvalho reported that Council discussed Item A Conference with Legal Counsel – Pending Litigation, Item B Conference with Legal Counsel – Anticipated Litigation and Item D- Conference With Real Property Negotiators. Item C Conference With Labor Negotiators was not discussed. Of all the items discussed, no reportable action was taken.

7:00 P.M. Council Chambers

CALL TO ORDER

Mayor Sandoval called the City Council Meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Mayor Sandoval 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

James Makshanoff, City Manager
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk

PRESENTATIONS

A. Certificate of Recognition to Pomona Veteran(s)

The Mayor and Council recognized Pomona Veterans Ross F. Webber and John Richard Leo.

B. Certificate of Recognition for Compassionate Pomona Giving Projects

Several members of Compassionate Pomona stood to be recognized by the Mayor and Council.

C. Proclamation proclaiming February 2020 as “Love and Listen” Month in the City of Pomona

Members of Compassionate Pomona accepted the proclamation.

MAYOR/COUNCILMEMBER COMMUNICATIONS

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

All councilmembers attended various City functions including the Vietnamese Lunar New Year event, Trivia Bee, Police Chief Michael Olivieri’s retirement celebration, Women’s Heart Walk, tree plantings and City clean-up efforts.

The Council encouraged residents to attend upcoming town halls, Activating Parks Workshop, Heart of the Foothills event, tree plantings and an electronic waste roundup.

CITY MANAGER COMMUNICATIONS

City Manager James Makshanoff had no comments for the meeting.

PUBLIC PARTICIPATION

Victor Caceres spoke on the need for youth programs in the City and promoted the programming that is available through the Youth and Family Club.

Elizabeth Brooks spoke on landlord rights and does not believe the Council should get involved with tenant/landlord disputes.

Mary Prendegast spoke on her support of rent control.

Eric Vasquez thanked the Council for support the youth in the community and for their support of fundraising events.

Deborah Clifford spoke on one of Pomona's town marshals at the turn of the century

Darrell Kruse spoke on his concerns with the cannabis permit program.

Daniel Enz reported on events from Norma Torres office.

Mark Warren opposes the City imposing any local controls on rent beyond what the State has already passed

Natalie Chaidez gave updates on events at the Fairplex.

Greg Estel spoke on issue of homelessness in an alley off Gordon and Park

Javier Flores spoke on his concerns in the City.

Maria Galvan spoke on environmental racism.

Larry Ortega spoke on cell phone technology and the concern of radiation.

Arturo Jimenez spoke on the need for a community center in District 2 and the need for improvements at Tony Cerda Park.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the entire Consent Calendar except for Item 2 which was discussed and voted in a separate motion.

1. Approve an Agreement with Cartegraph in the Amount of \$111,975 for a Software Upgrade to the City's Laboratory Information Management System (LIMS)

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

1) Approve the agreement with Cartegraph for a software upgrade to the City's Laboratory Information Management System (LIMS); and

2) Authorize the City Manager, or designee, to sign the agreement

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the agreement with Cartegraph in the amount of \$111,975 for a software upgrade to the City's Laboratory Information System (LIMS) and authorize the City Manager to execute, all documents herein on behalf of the City, subject to review by the City Attorney.

2. Authorization to Allow an Application for Historic Landmark Status for the Pomona Civic Center Buildings

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

RESOLUTION NO. 2020-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE FILING OF A HISTORIC LANDMARK APPLICATION FOR LANDMARK STATUS FOR THE POMONA CIVIC CENTER BUILDINGS TO BE CONSIDERED BY THE HISTORIC PRESERVATION COMMISSION AS REQUIRED BY THE CITY OF POMONA ZONING ORDINANCE SECTION .5809-13(E)

This item was pulled for discussion because speaker cards were submitted.

Derek Engdall said he supports the buildings but not the walkways and fountains being designated as historic. The walkways and fountains are in the process of being reimagined and the process might be hampered by a historic designation.

Mickey Gallivan said she supports the designation and gave a history on the civic center.

James Gallivan said he supports the need for the designation to respect the history of the civic center.

Venita Reynolds spoke on the importance of the Civic Center and the need for appreciating what we have.

Anita Gutierrez answered questions from the Council. All councilmembers were in support but also expressed concern about the impact of designating buildings as historical.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2020-15.

3. Approval of Increased Change Order Capacity for the "Americans with Disabilities Act (ADA) Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structures – Citywide, [Phase III: ADA Transition Plan]" Project No. 428-2590-XXXXX-81055

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

- 1) Approve increased change order capacity for the contract between the City of

Pomona and FS Contractors, Inc. for “ADA Compliance Program - Curb Ramps, Sidewalks, and Public Facilities/Structures - Citywide [Phase III: ADA Transition Plan]”, Project No. 428-2590-XXXXX-81055 from \$120,861 (15%) to \$182,098 (22.6%) for minor additional work required for close-out of the project, which exceeds the \$100,000 allowed by City Code Section 2-1001(b)(14) and is commensurate with the size and scope of this project; and,

2) Authorize the City Manager to execute the change order on behalf of the City.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve increased change order capacity for the contract between the City of Pomona and FS Contractors, Inc. for “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structures – Citywide [Phase III: ADA Transition Plan],” from \$120,861 (15%) to \$182,098 (22.6%) for minor additional work required for close-out of the project, which exceeds the \$100,000 allowed by City Code Section 2-1001(b)(14) and is commensurate with the size and scope of the project; and authorize the City Manager to execute the change order on behalf of the City.

4. Adoption of a Bring Your Own Device Policy and Approval of a Stipend for City Employees Authorized to Use their Own Electronic Devices Under the New Policy

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

- 1) Adopt the proposed Bring Your Own Device (BYOD) Policy in substantially the form submitted; and
- 2) Authorize the City Manager, or his designee, to implement the policy and any subsequent revisions.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt the proposed Bring Your Own Device (BYOD) Policy and authorize the City Manager, or his designee, to implement the policy and any subsequent revisions.

5. Second Reading and Adoption of an Ordinance Amending Section 62-299 of the Pomona City Code Pertaining to the Requirements and Procedures for Water Service Billing, Delinquency, and Disconnection for Nonpayment

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

ORDINANCE NO. 4280 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTION 62-299 OF THE POMONA CITY CODE PERTAINING TO WATER SERVICE BILLING, DELINQUENCY, AND DISCONNECTION FOR NONPAYMENT

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt on second reading Ordinance No. 4280.

DISCUSSION CALENDAR

6. 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 in support of Pomona Rotary's Pomona Play Day – Requested Amount: \$1,000

B) Amount to be determined to Total Restoration Ministries in support of their Mother's Day Pampering Event 2020 – Requested Amount: \$1,000

C) Amount to be determined in support of Fremont Femineers for Femineer Shirts– Requested Amount: \$500

D) Amount to be determined to NAACP Pomona Valley Branch in support of their 1st Annual Freedom Luncheon – Requested Amount: TBD

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

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to make a finding of public benefit for items A-D

PUBLIC HEARINGS

7. Public Hearing Amending the Consolidated Plan, the Fiscal Year (FY) 2019-2020 Annual Action Plan and the FY 2019-2020 City Operating Budget by Re-Appropriating Budgeted Funds and Appropriating Additional Community Development Block Grant (CDBG) Funds, HOME Investment Partnerships Program (HOME) Funds and Emergency Solutions Grant (ESG) Funds

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

1) Conduct a public hearing to receive public comment on the proposed amendments to the Consolidated Plan and the Fiscal Year 2019-2020 Annual Action Plan; and

2) Adopt the following resolution:

RESOLUTION NO. 2020-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CONSOLIDATED PLAN, THE FISCAL YEAR (FY) 2019-2020 ANNUAL ACTION PLAN AND THE FY 2019-2020 CITY OPERATING BUDGET BY RE-APPROPRIATING BUDGETED FUNDS AND APPROPRIATING ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS

Mayor Sandoval opened and closed the Public Hearing after being informed that there were no speakers.

Benita DeFrank, Neighborhood Services Director, answered questions from the council.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2020-13

8. Public Hearing on the Adoption of a Resolutions of the City Council and Housing Authority Board Approving the Sale of Pomona Housing Properties Located at 592 West Mission Boulevard (APN's 8341-010-914, 915, 916, 917, 918, 919, 920 & 921) and of an Affordable Housing Disposition & Development Agreement with JHC-ACQUISTIONS LLC, for Development of a 57 Unit Affordable Housing Project

It is recommended that the City Council and the Pomona Housing Authority take the following actions:

1) Adopt the following resolutions:

RESOLUTION NO. 2020-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE POMONA HOUSING AUTHORITY AND JHC-ACQUISITIONS, LLC, A LIMITED LIABILITY COMPANY AND MAKING CERTAIN FINDINGS PURSUANT TO HEALTH & SAFETY CODE SECTION 33433

RESOLUTION NO. 2020-16 - A RESOLUTION OF THE BOARD OF THE POMONA HOUSING AUTHORITY OF THE CITY OF POMONA, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE POMONA HOUSING AUTHORITY AND JHC-ACQUISITIONS, LLC, A LIMITED LIABILITY COMPANY AND MAKING CERTAIN FINDINGS PURSUANT TO HEALTH & SAFETY CODE SECTION 33433

- 2) Authorize the City Manager to execute the Affordable Housing Disposition & Development Agreement and all necessary associated documents, in substantially the form submitted herein.

Kirk Pelser, Deputy City Manager, gave a brief overview on the project.

Mayor Sandoval opened the Public Hearing.

Benjamin Wood spoke on his concerns regarding long-term affordability and the need for this to be a prevailing wage project.

Mayor Sandoval closed the Public Hearing.

Kirk Pelser, Ethan Walsh, BBK attorney who specializes in affordable housing, and the developer for Jamboree Housing answered questions from the council.

The council asked questions regarding prevailing wages, leasing vs selling the land, the 55-year covenant, and priority for Pomona residents to get the affordable housing.

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution Nos. 2020-12 & 2020-16 with 3 amendments: 1) intent of the City to extend the 55 year covenant, 2) intent to have affordability last as long as possible, 3) emphasis on local hires.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Torres requested information on how to name or re-name a neighborhood and wanted an update on the wayfinding sign program.

Councilmember Lustro requested an update on billboards.

Councilmember Garcia requested council's support of HR 763.

Councilmember Preciado asked again for the adjournment in honor of Hum Bui.

Councilmember Gonzalez requested a staff research response to the Daily Bulletin article regarding equity in the city.

Mayor Sandoval asked councilmembers for interest in forming ad-committee on human trafficking.

ADJOURNMENT

The City Council meeting was adjourned in honor of Hum Bui at 9:47 p.m. on Monday, February 3, 2020.

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