



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
Councilmember Victor Preciado
Vice Mayor 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, July 20, 2020

7:00 PM

Teleconference via Zoom

5:30 P.M. Via Teleconference

CLOSED SESSION

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

City of Pomona v. SQM North America Corporation
U.S.D.C. No. 2:11-cv-00167-RGK-JEM

- B) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(Pursuant to Government Code Section 54957.9(d)(1))

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

7:00 P.M. Teleconference via Zoom, closed to the public

CALL TO ORDER

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

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Sonia Carvalho reported that two matters of pending litigation were discussed in closed session and there was no reportable action on either item.

PLEDGE OF ALLEGIANCE

Mayor Sandoval led the Pledge of Allegiance.

ROLL CALL

Present via Zoom: Mayor Tim Sandoval
Councilmember Victor Preciado
Vice Mayor Nora Garcia
Councilmember Steve Lustro
Councilmember Elizabeth Ontiveros-Cole
Councilmember Robert Torres

Not Present per May 23, 2020 City Council Resolution of Censure:

Councilmember Rubio Gonzalez

STAFF PRESENT via Zoom

James Makshanoff, City Manager
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
John DePolis, IT Director
Kirk Pelser, Deputy City Manager
Mark Gluba, Deputy City Manager
Linda Matthews, Human Resources Director
Rene Guerrero, Public Works Director
Andrew Mowbray, Finance Director
Anita Gutierrez, Development Services Director
Benita DeFrank, Neighborhood Services Director
Chris Diggs, Water Resources Director
Mike Ellis, Police Chief

PRESENTATIONS

Police Chief Ellis from the Pomona Police Department gave a presentation on the "Use of Force Policy 8 Can't Wait" Campaign.

Councilmembers made comments and asked questions regarding this presentations.

Chief Ellis reported that any time a change is made to their manual the changes are made available on the website for the public to view. To address Councilmember Torres question regarding community outreach the chief reported that outreach meetings, neighborhood watch meetings, area commander meetings and meetings regarding the use of force policy will be re-started using Zoom and Facebook live in order to get feedback from the community regarding any policy changes that happen from the state level or through the mayor's task force.

The Mayor said that the intention of this presentation was not just to put it out there to the public to say the city is doing something and then just move on. The intention is to have an understanding of the policies and see what the council can do to improve the police department. He thanked the chief and his department for being open to talking about this issue so that this can be a working relationship and not an adversarial relationship.

MAYOR/COUNCILMEMBER COMMUNICATIONS

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

Councilmember Torres encouraged community feedback and thanked those that have been communicating with him using social media and other methods.

Councilmember Lustro thanked water resources staff for emergency water issues in District 5. He thanked public works staff for fixing street utilities damage and for the street work beginning on Scenic Ridge Dr. and in the Mission Hills Estates.

Councilmember Ontiveros-Cole stressed the importance of taking COVID-19 seriously. She thanked the public works staff and code enforcement staff for being attentive to her concerns for her district.

Councilmember Garcia recognized a new program by Day One called Vamos Pomona that encourages residents to get out of their homes while still following safety guidelines. She also spoke about mental health services available in Pomona like Tri-City Mental Health Services, the House of Ruth, and Project Sister Family Services. Councilmember Garcia also advised that Little Free Libraries are being installed throughout the city for residents to have access to books. She thanked the COVID-19 Action Committee for working together to help the community. She was excited to share that there is a new mural in the Pomona Library and thanked the Cultural Arts Commission.

Councilmember Preciado spoke about an art event in downtown Pomona in conjunction with The Alley Gallery called 31 Flavors in which every day in July an artist is painting a 4 x 4 mural on the fence around Shaun Diamond Plaza. He thanked all the people involved with beautifying the garden being built at Tony Cerda Park including Carlos Gotiya and Fabian Pavon. He thanked God's Pantry for providing food for the residents and thanked all the volunteers that have been delivering the food to over 20,000 residents.

Mayor Sandoval spoke about the community's essential workers and the fact that working class communities and communities of color have been more adversely affected by COVID-19. He said it is critical we continue to care for each other

CITY MANAGER COMMUNICATIONS

City Manager James Makshanoff had nothing to report.

PUBLIC PARTICIPATION

In response to the global COVID-19 pandemic and in accordance with California Governor's Executive Order N-25-20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note that comments for Public Participation or for a specific item on the agenda were accepted by email only.

Comments will be read into the record by the City Clerk. The deadline to submit the comments was 6:00 p.m. today. All comments must be limited to 200 words.

Comments were received electronically via email and read into the record by the city clerk:

****PLEASE SEE ATTACHMENT FOR COMMENTS READ DURING PUBLIC PARTICIPATION.**

City Attorney Carvalho, at the request of the mayor, gave an update about Councilmember Gonzalez and reported that the council has taken every civil action that there are able to do.

Police Chief Ellis, at the request of the mayor, gave an update on the officer involved shooting of July 5.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE), to approve the entire consent calendar except Item 7 which was voted on in a separate motion.

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:

June 29, 2020 Meeting Minutes

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE), to approve City Council meeting minutes from June 29, 2020.

2. Adoption of a Resolution Receiving a Grant of \$2,000 from Tri-City Mental Health Services for the Heroes of Pomona Speech Contest and Amending the FY 2020-21 Operating Budget by Increasing Revenue Estimates and Appropriating the \$2,000 in Awarded Grant Funds

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2020-97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA RECEIVING A GRANT AWARD OF \$2,000 FROM TRI-CITY MENTAL HEALTH SERVICES FOR THE HEROES OF POMONA SPEECH CONTEST AND AMENDING THE FY 2020-21 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING THE \$2,000 IN AWARDED GRANT FUNDS

- 2) Authorize the City Manager to execute all documents related with this action, with approval of the City Attorney as to form.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-97.

3. Adoption of a Resolution Approving the Fiscal Year 2020-21 Statement of Investment Policy for the City of Pomona and Reaffirming the City Treasurer Appointment

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

RESOLUTION NO. 2020-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE FY 2020-21 STATEMENT OF INVESTMENT POLICY FOR THE INVESTMENT OF PUBLIC FUNDS BY THE CITY TREASURER AND REAFFIRMING APPOINTMENT OF FINANCE DIRECTOR AS CITY TREASURER

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-108.

4. Adopt a Resolution Authorizing the City to Enter into an Agreement with the Pomona Community Foundation to Provide Funding for Housing and Food Assistance Relief in an Amount Not to Exceed \$200,000 and Amending the FY 2020-2021 Operating Budget by Increasing Revenue Estimates and Appropriations by \$200,000

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2020-107 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE POMONA COMMUNITY FOUNDATION TO PROVIDE FUNDING FOR HOUSING AND FOOD ASSISTANCE RELIEF IN AN AMOUNT NOT TO EXCEED \$200,000 AND AMENDING THE FY 2020-21 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS BY \$200,000

- 2) Authorize the City Manager to execute the grant agreement and any amendments thereto, subject to review by the City Attorney.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-107.

5. Adoption of Resolutions Creating a Homeless Programs Coordinator Classification and Amending the Fiscal Year 2020-21 Operating Budget by Adding One Position in the Neighborhood Services Department and Adopting the Citywide Salary Schedule for Fiscal Year 2020-21

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

RESOLUTION NO. 2020-109 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING APPENDIX B OF THE MEMORANDUM OF UNDERSTANDING WITH THE POMONA MID-MANAGEMENT/CONFIDENTIAL EMPLOYEES' ASSOCIATION BY ADDING

THE CLASSIFICATION OF HOMELESS PROGRAMS COORDINATOR AND AMENDING THE AUTHORIZED STAFFING LEVELS FOR THE FY 2020-21 OPERATING BUDGET BY ADDING ONE HOMELESS PROGRAMS COORDINATOR POSITION IN THE NEIGHBORHOOD SERVICES DEPARTMENT

RESOLUTION NO. 2020-110 - A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF POMONA, CALIFORNIA, ADOPTING THE CITYWIDE SALARY SCHEDULE FOR FISCAL YEAR 2020-21 AND ADDING A HOMELESS PROGRAMS COORDINATOR CLASSIFICATION

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolutions No. 2020-109 & 2020-110.

6. Acceptance of the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA) FY 2020-2021 Coronavirus Emergency Supplemental Funding (CESF) Grant Award in the amount of \$182,028

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

- 1) Accept the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA) FY 2020-2021 Coronavirus Emergency Supplemental Funding (CESF) grant in the amount of \$182,028; and
- 2) Authorize the City Manager or designee, to execute the Grant Agreement and any related documentation needed to accept grant funds on behalf of the City.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to Accept the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA) FY 2020-2021 Coronavirus Emergency Supplemental Funding (CESF) grant in the amount of \$182,028; and Authorize the City Manager or designee to execute the Grant Agreement and any related documentation needed to accept grant funds on behalf of the City.

7. Adoption of a Resolution in Support of the First Amendment Rights to Peacefully Assemble and Protest and the Ongoing Review of Law Enforcement Practices and Policies

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

RESOLUTION NO. 2020-113 - A RESOLUTION OF THE CITY OF POMONA, CALIFORNIA, IN SUPPORT OF THE FIRST AMENDMENT RIGHTS TO PEACEFULLY ASSEMBLE AND PROTEST AND THE ONGOING REVIEW OF LAW ENFORCEMENT PRACTICES AND POLICIES

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

****PLEASE SEE ATTACHMENT FOR COMMENTS READ REGARDING ITEM 7.**

Councilmember Garcia made comments regarding this item.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-113.

8. Approve an Access License Agreement between the City of Pomona and Monte Vista Water District to Conduct Water Quality Sampling

It is recommended that the City Council authorize the City Manager to execute an access license agreement with Monte Vista Water District (MVWD).

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to approve an Access License Agreement between the City of Pomona and Monte Vista Water District to Conduct Water Quality Sampling; and authorize the City Manager to execute an access license agreement with Monte Vista Water District (MVWD).

9. Mandated Biennial Review of the City's Conflict of Interest Code

It is recommended that the City Council direct staff to review the City's current Conflict of Interest Code.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to direct staff to review the City's current Conflict of Interest Code.

10. Approval of Resolution Amending the FY 2019-20 Operating Budget to Increase Revenue Estimates by \$127,720 and Appropriations by \$83,213 to Account for Building and Safety Activity

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

RESOLUTION NO. 2020-116 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES BY \$127,720 AND APPROPRIATIONS BY \$83,213 TO ACCOUNT FOR BUILDING AND SAFETY ACTIVITY

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-116.

DISCUSSION CALENDAR

11. Introduction and First Reading of an Ordinance to Add Division 3, "Wireless Facilities in Right-of-Way" to the Pomona City Code Chapter 46, Article IV; Adoption of a Resolution to Establish Fees for Wireless Encroachment Permits

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

- 1) Introduce, waive further and give first reading to the following ordinance:

ORDINANCE NO. 4279 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADDING DIVISION 3 "WIRELESS FACILITIES IN RIGHT-OF-WAY" TO CHAPTER 46 (STREETS, SIDEWALKS AND OTHER PUBLIC PLACES), ARTICLE IV (ENCROACHMENTS) OF THE POMONA CITY CODE

- 2) Adopt the following resolution:

RESOLUTION NO. 2020-106 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING A FEE SCHEDULE FOR WIRELESS ENCROACHMENT PERMITS TO INSTALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY PURSUANT TO CITY MUNICIPAL CODE CHAPTER 46, ARTICLE IV, DIVISION 3 "WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY"

****PLEASE SEE ATTACHMENT FOR 1 (ONE) COMMENT READ REGARDING ITEM 11.**

Rene Guerrero, Public Works Director, gave the staff presentation.

Andrew McCardle, Best, Best and Krieger attorney who worked with the department on this item, answered questions from the council regarding design standards, spatial placement of installation of small cell towers, regulations set by the FCC that have to be met by the city

This item was not approved by Council. The Mayor indicated the Council would need to look into this topic more.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, NOT CARRIED 2-4 (MAYOR SANDOVAL, COUNCILMEMBERS PRECIADO, ONTIVEROS-COLE, AND TORRES ALL OPPOSED AND GONZALEZ NOT PRESENT DUE TO CENSURE)

12. 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 Latino Art Museum for financial relief due to COVID-19 Pandemic – Requested Amount: \$6,000.

B) Amount to be determined to Inland Volunteer Resource Center for a Census Mural Project – Requested Amount: TBD.

C) Amount to be determined in support of Juneteenth Education Technology Mobile Arts Center's Pomona Valley Juneteenth Jazz & Arts Festival – Requested Amount: TBD.

D) Amount to be determined for Council to donate from their discretionary funds for emergency relief for those affected by COVID-19 Pandemic – Requested Amount: TBD.

E) Amount to be determined in support of Christmas on Columbia – Requested Amount: \$650.

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

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER TORRES, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to make a finding of public benefit for Items A-E.

13. An Urgency Ordinance Extending Temporary Moratorium on Foreclosures and Evictions due to Non-Payment of Rent and an Executive Order Extending the Suspension of Water Shut-offs and Certain Late Fees due to the Impact of COVID-19

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

- 1) Adopt the following Urgency Ordinance:

ORDINANCE NO. 4292 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, EXTENDING URGENCY ORDINANCE NO. 4290 ENACTING A TEMPORARY MORATORIUM ON FORECLOSURES AND EVICTIONS DUE TO NON-PAYMENT OF RENT BY

RESIDENTIAL AND COMMERCIAL TENANTS IMPACTED BY THE NOVEL CORONAVIRUS (COVID-19)

- 2) Approve the following related to emergency directives issued by the Director of Emergency Services:
- a. Extend the emergency directive to suspend the shut-off of City water service for residents and businesses in the City for non-payment of water, sewer and solid waste bills through September 30, 2020;
 - b. Extend the emergency directive to suspend late payment penalties or fees for delinquent utility (water, sewer and solid waste) bills through September 30, 2020; and
 - c. Do not extend the suspension of parking citations for and of late payment penalties on certain citations issued for parking violations after March 1, 2020, which will result in parking enforcement to return back to normal operations effective August 1, 2020.

City Attorney Carvalho briefed the council on this item. She explained that under the Emergency Services Act, LA County can make regulations for all incorporated areas of the county and these regulations cover any city as long as the city does not already have its own regulations in place. The city attorney's office researched LA County's regulations regarding moratoriums on foreclosures and evictions and compared it to what the City has in place and could extend with this item's ordinance approval. City Attorney Carvalho advised that the LA County regulations goes further than the City's ordinance and has additional protections for residential and commercial tenants until September 30. So if the council does not adopt this urgency ordinance, then the County's protections will cover the City's residents and extend the length of time for these protections.

City Attorney Carvalho further explained that following the County's protections and timeline for expiration does not preclude the City from adopting further protections once the County's protections expire. She offered the opinion that the County's protections are more robust than the City's and she believes there is a benefit for the City to fall in line with the County's regulations. She also explained that protections for foreclosures are being handled at the State and Federal level.

MOTION BY MAYOR SANDOVAL , SECOND BY COUNCILMEMBER LUSTRO CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to only adopt the emergency directives as recommended in Number 2: a, b, and c and not adopt Ordinance No. 4290.

14. Retirement Incentive Program Adoption

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

RESOLUTION NO. 2020-114 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A RETIREMENT INCENTIVE PROGRAM FOR FULL-TIME, CALPERS SERVICE RETIREMENT ELIGIBLE CITY

EMPLOYEES, AS A COST SAVINGS MEASURE DUE TO THE SIGNIFICANT GENERAL FUND BUDGET DEFICIT FACING THE CITY CAUSED BY THE COVID-19 GLOBAL PANDEMIC

Linda Matthews, Human Resources Director, gave a brief overview and answered questions from the council.

Councilmember Torres encouraged city staff to contact him if they had concerns about this issue and he stated that several staff had already been in contact with him regarding other councilmembers statements in the press.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-114.

15. Discussion on Approval Process for Temporary Art and Other Innovative Art Projects Citywide

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

- 1) Direct staff to establish a “ministerial” (over-the-counter) permit process for certain art projects, such as temporary art and other innovative art projects, based on one or more thresholds, and with conditions for the review of content and Cultural Arts Commission oversight.

or

- 2) Direct Staff to formalize a “discretionary” process for certain art projects, such as temporary art and other innovative art projects, to be approved by the Cultural Arts Commission and/or Parks and Recreation Commission, based on one or more thresholds, and with conditions for the review of content.

Anita Gutierrez, Development Service Director, gave the staff presentation.

****PLEASE SEE ATTACHMENT FOR 2 (TWO) COMMENTS READ REGARDING ITEM 15**

The Council made comments regarding this item and supported recommendation number one.

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to Direct staff to establish a “ministerial” (over-the-counter) permit process for certain art projects, such as temporary art and other innovative art projects, based on one or more thresholds, and with conditions for the review of content and Cultural Arts Commission oversight.

16. Designate a Voting Delegate and Alternate(s) for the 2020 League of California Cities Annual Conference

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

- 1) Designate a voting delegate and voting alternate(s); or
- 2) Not participate in the 2020 League of California Cities Annual Business Meeting.

Rosalia Butler, City Clerk, briefed council on this item.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to designate the mayor as voting delegate and Vice-Mayor Garcia, Councilmember Preciado as voting alternate(s) for the 2020 League of California Cities Annual Conference.

17. City Council Re-Appointments to Local and Regional Boards/Commissions/Agencies for District 1 Council Representation

It is recommended that the City Council review the City Council Appointments to Local and Regional Boards/Commissions/Agencies roster that require District 1 Council representation and make new appointments as needed.

Rosalia Butler, City Clerk, briefed council on this item. The roster for city council appointments to outside boards, commissions and agencies was updated.

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to review the City Council Appointments to Local and Regional Boards/Commissions/Agencies roster that require District 1 Council representation and make new appointments as needed.

PUBLIC HEARINGS

18. Approving and Adopting the Revised Five-Year Permanent Local Housing Allocation Plan and Authorizing Submittal to the California Department of Housing and Community Development, Requesting Funding for up to \$6,410,670 over a Five-Year Period.

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

- 1) Conduct a Public Hearing to receive public comments on the revised Five-Year Permanent Local Housing Allocation Plan; and

- 2) Adopt the following resolution:

RESOLUTION NO. 2020-111 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AND ADOPTING THE REVISED FIVE-YEAR PERMANENT LOCAL HOUSING ALLOCATION PLAN AND AUTHORIZING SUBMITTAL TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, REQUESTING FUNDING FOR UP TO \$6,410,670 OVER A FIVE-YEAR PERIOD

Mayor Sandoval opened the public hearing and with no speakers for this item, the mayor closed the public hearing.

The council had no comments for this item.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-111.

19. Public Hearing Amending the Consolidated Plan, the Fiscal Year (FY) 2020-2021 Annual Action Plan and the FY 2020-2021 City Operating Budget by Increasing Revenue Estimates and Appropriations for CARES ACT (COVID-19) Funding for Community Development Block Grant (CDBG-CV) and Emergency Solutions Act (ESG-CV) Funds

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

- 1) Conduct a public hearing to receive public comment on the proposed appropriation of CARES Act (COVID-19) funding; and
- 2) Adopt the following resolution approving substantial amendments to the Consolidated Plan, Fiscal Year (FY) 2020-2021 Annual Action Plan and the FY 2020-2021 City Operating Budget:

RESOLUTION NO. 2020-112 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CONSOLIDATED PLAN, FY 2020-2021 ANNUAL ACTION PLAN AND THE FY 2020-2021 CITY OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS FOR CARES ACT (COVID-19) FUNDING FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV) AND EMERGENCY SOLUTIONS ACT (ESG-CV) PROGRAM FUNDS

- 3) Approve funding recommendations for CDBG-CV and ESG-CV Funds.

Mayor Sandoval opened the public hearing and with no speakers for this item, the mayor closed the public hearing.

The council had no comments for this item.

MOTION BY COUNCILMEMBER ONTIVEROS-COLE, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-112.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Torres reported that there continue to be illegal dumping problems on Cove Crest between Drake and Grove and felt the City needs to handle differently whether with posted signage or working with the housing developments. He also requested an update on the revenue generated from Project Room Key. He further requested an update on the status of the homeless shelter and how COVID-19 is being handled at that facility.

Councilmember Ontiveros-Cole voiced concerns again about a sidewalk vendor specifically on Granada and Indian Hill that has caused a public nuisance with illegal parking and other issues.

Councilmember Garcia also reported she has noticed an increase in illegal dumping and asked staff to provide more bill insert notices to the public about trash large item pick up service.

Mayor Sandoval spoke about an event organized by Blue Shield Promise Community Resource Center coming up on July 25 9am-12pm that will be providing back-to-school gear. He also requested an update about resident concerns regarding fines being issued for vinyl windows in the Wilton Heights District.

ADJOURNMENT

The City Council meeting was adjourned at 10:02 p.m. on Monday, July 20, 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

JULY 20, 2020 REGULAR CITY COUNCIL MEETING
PUBLIC COMMENTS

PUBLIC COMMENT

HANK FUNG – Dear mayor and members of the city council,
I would like the city council to begin initiating creation of a civilian police oversight commission, similar to the models currently being considered in Pasadena and Fullerton. At the Charter Review Commission, the city attorney said that they were concerned about a "big city commission" structure but Pasadena is a similar sized city that is also exploring implementation.

I do not support defunding the police, but rather reforms in police training and discipline when officers are found to act beyond the law or policy are necessary to increase public trust in the police department. The time has come for oversight that will be a model for other cities in the San Gabriel Valley and Inland Empire. Thank you.

FABIAN PAVON – Good evening Mayor and Council

The Latina/o Roundtable of the San Gabriel and Pomona Valley has partnered with the Liberty Hill Foundation for economic and environmental justice through the emPOWER Program. emPOWER is a coordinated L.A. County-wide outreach program with a mission to overcome barriers to sustainable energy usage commonly experienced in low-income and working class communities of color. emPOWER matches household needs with local and statewide resources to help residents maximize potential savings and use of available incentive programs by:

- 1) Ensuring that low-income households are taking advantage of all available financial aid options.
- 2) Promoting low- or no-cost energy efficiency programs, solar panel installations, home improvements and appliance rebates to meet basic energy needs and save even more on energy bills.
- 3) Consulting with residents to determine the feasibility of clean vehicle or transit and shared mobility vouchers with trade-ins of older high-polluting vehicles.

We would love to work with the Mayor and the Council in order to help income-eligible Pomona residents save money and move towards being more energy efficient.

Please feel free to connect with me at any time.

M. JOYCE BAKERSMITH – Dear Mayor and Council,

This email is to voice my concerns about the Commercial Cannabis Permit Program. In reviewing information on the City website, and listening to concerns from residents at Council meetings, the process used by the Consultant Company for granting permits can easily be manipulated to offer unfair advantage to out of area and non-minority owned applicants.

The system can be manipulated to create a monopoly. The applicants who qualified for phase three included:

- **Authentic 909 LLC finishing first in both Microbusiness and Storefront Retail**
- **ASHE Pomona LLC finishing second in Microbusiness and twelfth in Storefront Retail.**

To make the cannabis businesses in Pomona more diverse, companies should not be allowed to apply in more than one category. The applicants should be rewarded for being locally owned.

Informational meetings are at different times. It would be better for the public to be able to see all the candidates at a forum, making it easier to compare the benefits each would bring to the community.

Please take another look at the process and the applicants. I am concerned we are not creating Pomona Businesses; we are only creating unfair monopolies in Pomona.

VIRGINIA MADRIGAL – Good Evening Mayor Sandoval, Council Member's,

A person's home is supposed to be their castle.

A place when you enjoy the time you spend with your family.

A place where your Children, Grand Children and other family members can get together and feel safe.

This is should be a given in the United States of America.

Afforded to all who want to enjoy the freedom that many Americans have given their lives to protect.

This also includes Elected Official's. Unfortunately, the respect for their privacy in their home's no longer exists.

It has been replaced by those who call themselves advocates for social justice.

What kind of social justice is there when a person or a mob of people stand in front of your home screaming their demands. Or when someone breaks the windows in your home. That's not social justice. It's anti-social behavior.

That behavior has caused their message to be lost and any support they might want.

There are many places to present their point of view. Some one's private residents is not one of them.

Whether you're a Mayor, Council Member, District Attorney,
Member of the House of Representatives or a private citizen.
Your home is your castle where you and your family have privacy and safety.

BENJAMIN WOOD – On July 5, Pomona PD shot and killed a 34-year-old man in the City of Chino. The Department released a 37-word message on social media to acknowledge the incident but nothing else--neither the victim nor the shooter were named. The circumstances of shooting were not disclosed, and still have not been. POST has investigated this matter and have identified the victim: Matthew Dixon. Say his name. He was a family man with five children. He was from Tennessee and had had a little bit of trouble there but had turned his life around here in California. He was involved in ministry and was studying to become a youth pastor. I have spoken with his mother and two close friends and his widow. Fifteen days after the incident, they still have NO ANSWERS to basic questions. POST and the community have big questions too--the same questions we consistently ask you, our elected officials to ask of law enforcement. We need you to ask those questions tonight. Matt Dixon's life matters, and he had family and a community that loved him. They have given us their blessing to invoke our rights under the PRA to demand answers to these questions. We demand the video and the officer's name be released.

DARRELL KRUSE – No lives matter in Pomona

What matters in Pomona is money, and the connections and influence that come with it.

Like Councilman Robert Torres said. Friends and longtime political allies, who helped get him elected to office. It's those friends and longtime political allies who matter in Pomona.

Generally those are groups of people who come together to get someone elected to get them favors at the expense of others.

In Pomona it has led to Injustice, and has resulted in ignorant and hateful treatment of those without the influence. It has resulted in unequal treatment of people performing the exact same service, just doing at different times.

City council their staff and enforcement personnel ignored the will of the voters and legislators and forcefully abated some operators in the past, causing injury to some.

City council recognizes that the service is legal and was legal when a previous council caused enforcement of its prejudicial ordinance which was based on hate and lies and ignorance due to the stigma that has accompanied it since the days of reefer madness.

Remember that stigma was based upon racism and lies. And you refuse to fix the damage done by a previous council.

JOE – Dear Mayor, City Council, and Staff,

In follow up to previous requests, the residents ask that the city advocate and provide periodic updates to residents about the lack of representation in District 1. How do we find out if Rubio Gonzales remains on the council and who do we turn to for representation of District 1? Given the circumstances, we understand you are limited on what you can share. However, District 1 deserves trust & transparency, along with valid and competent representation. Please make this a priority and do not have residents wait until the November election for a solution.

Also, can the city please share with District 1 residents on how we can find information and learn about council member candidates for the upcoming election. Thank you.

CLAY JOHNSON – I am a Pomona resident living in District 4. I am writing to ask that the city identify the officer who killed Matt Dixon on July 5 and release information about the incident. It has been over 2 weeks since the incident and the public should have a right to this type of information and full transparency about our police department.

I would also like to request the city's support for establishing a police civilian oversight committee with subpoena power to ensure fair accountability of the police to the citizens that it serves.

ELIZABETH TREJO – My name is Elizabeth Trejo, and I am writing in today to ask for transparency in the police involved shooting that cost Matt Dixon his life. His loved ones deserve to know what caused the Pomona Police Officer to use lethal force. They also deserve an independent investigation that is not conducted by the very same department that caused the death of their loved one. I also asked members of this council to strengthen community relationships with Police and put forward civilian oversight over the Pomona PD.

CONSENT CALENDAR ITEM NO. 7 (FIRST AMENDMENT RIGHTS)

BENJAMIN WOOD – Once again we have empty words on the issue of police violence when you could be taking action. We don't need a Resolution in Support of the First Amendment--We have an Amendment to the Constitution for that.

And while it's true that the power of the PPOA and POROC make it difficult to fire officers, too often it's not an issue of law but of political will. Reform needs to happen, but it should

be named rather than remain vague: The Peace Officer's Bill of Rights needs to be REPEALED. It gives one profession more rights than other people--frankly a pretty clear violation of the Equal Protection Clause of the Fourteenth Amendment. Let's name it, and let's take action here, where we can, rather than again attempting to pass the buck to Sacramento.

DARRELL KRUSE – The city council of Pomona wishes to give lip service to the cause of police reform by allowing you to protest during a pandemic.

You can't have outdoor get togethers in your own backyard and Bar-b-que, but its OK to allow thousands to get together in greater numbers with less distancing.

It is without logic to allow this and not expect people to think that it is safe to get together. People doubt the severity of the pandemic when you dont endeavor to protect those people so stupid as to assemble in that manner. Protect these morons from themselves.

Government is full of mask debaters. They claimed we did not need to wear masks in February and March then they make it mandatory. Why are government people always so useless and good for nothing. It's much better to not talk about something you know nothing about. That's what you get when you have a socialist community organizer leading the health department rather than a medical doctor. She has no clue and will continue as a mask debater.

Darwin's laws are being replaced by socialism, that can't be good for the country.

To be continued.....

DISCUSSION ITEM NO. 11 (WIRELESS FACILITIES IN RIGHT-OF-WAY)

LARRY ORTEGA – This City Council must step-in to protect the residents of Pomona. The ordinance must require wireless companies to insure for injuries and illnesses caused by RF/MW radiation exposures from proposed cell towers/antennas. Our research uncovered the following: Lloyd's of London, Swiss Re, AM Best and other insurance companies exclude coverage for injury and death claims from RF-EMR exposures caused by cell towers/5G antennas. This City Council should insist/demand as a key component to this ordinance, specific RF-EMR pollution coverage from the applicants via this proposed ordinance. The ordinance should mandate the applicants to disclose exact corporate name, and its board of directors and that the insured matches the corporate entity on the application. The ordinance should require the insurance associated with the application come from a licensed third-party insurer, not from a self-insured indemnity substitute. In the case of Crown Castle, a wireless tower

and antenna developer, we discovered through their financial statement filings with the SEC, they are financially over-leveraged, carrying a high amount of debt. According to one expert, a former investigator with the SEC - they could not make good on any claims were one to be filed, leaving the City with ultimate financial responsibility.

DISCUSSION ITEM NO. 15 (PROCESS FOR TEMPORARY ART)

RICARDO ASTILLO – Honorable Mayor and members of the city council, while there is a vast range of lovely public art on display in the city, it is important not only to establish rules but also to ensure that everyone knows them. It will take a full commitment from every stakeholder because art is subjective and it is difficult to predict how people would feel about each individual project. Thus it is imperative that we take the time to understand and be inclusive to as many groups as possible.

I believe an over-the-counter approach would not allocate the time required to consider all the intricacies the myriad of sensibilities the city encompasses. An artist could submit a proposal, get rejected, move heaven and earth to accommodate the criticisms only to have the critic reveal themselves as agnostic. Then the process starts over or the artist gives up. On the other hand, even after a full review, what assurance are we given that what has been submitted is what ends up being installed? As an ardent supporter of the arts, I am hopeful that public art projects that meet approval ultimately do not disappoint.

MARGARET AICHELE – The dA Center for the Arts is in full support of a user friendly process for public art projects. The dA has been and remains an invested advocate for many years for this type of positive activity. The arts invite public dialogue, add to a community's creative learning, provide a safe and powerful tool to engage residents of all ages, and ultimately build a healthier culture. The dA would like to be considered as a partner to bring awareness to this program and to help residents of all ages with this process once it is decided. Thanks to a gift from the California Community Foundations and The Getty, the dA has provided over 250 zoom studios in drawing, painting, music, dance, and creative writing to homes in every district in Pomona during Covid. We prioritized the children and families with the funds. They had never heard of the dA and it is very clear they all want more art in every form. Based on our connections with the far reaching households of Pomona, I know the residents would be in favor of this improvement.