



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

Regular Meeting Minutes

City Council / Housing Authority / Successor Agency to the Redevelopment Agency

*Mayor Tim Sandoval
Councilmember John Nolte
Councilmember Victor Preciado
Councilmember Mayor Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Vice Mayor 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, May 3, 2021

7:00 PM

Teleconference via Zoom

CLOSED SESSION

5:30 P.M. Teleconference via Zoom, closed to the public

A) 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

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 one Closed Session Agenda matter was discussed and there was no reportable action.

PLEDGE OF ALLEGIANCE

Councilmember Nolte led the Pledge of Allegiance.

ROLL CALL

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

STAFF PRESENT via Zoom

Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
James Makshanoff, City Manager
John DePolis, IT Director
Mark Gluba, Deputy City Manager
Kirk Pelser, Deputy City Manager
Mike Ellis, Police Chief
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

PRESENTATIONS

*Proclamation Proclaiming May 2021 Asian American and Pacific Islander Heritage Month

The Mayor recognized students that are part of the Village Academy's Justice Team: Kimberly Cuchilla, Marisol Diego, Karla Hernandez, Genesis Lopez, Juliana Naag, Anna Pleasant, Narlyn Rodriguez, and Natalie Vidarte. He thanked Lorraine Canales and Matthew Brogie for arranging the event at City Hall speaking out against Asian-American hate. Dr. Vo accepted the proclamation and spoke regarding this. Juliana Naag spoke about the Justice Team at Village Academy.

*Certificate of Recognition Honoring Pomona Rotary Club's 100th Anniversary

Roseanne Bader spoke about the Rotary Club.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Preciado thanked those involved with the AAPI Solidarity gathering at City Hall. He thanked the Alley Gallery and Cultural Arts Commissioner Jovani Esparza for leading a community arts effort in conjunction with the Fairplex to add art to the youth intake site.

Councilmember Garcia thanked neighborhood services, Kaiser, and Pomona Connect volunteers for the COVID-19 vaccine event at Washington Park. She recognized her fellow educators for Teacher Appreciation Week. She thanked the many community members and elected officials who have been meeting weekly since the immigrant youth intake site opened at the Fairplex to provide transparency in the community and work together towards a common goal of providing quality health, welfare and humane treatment to the youth at this site.

Councilmember Ontiveros-Cole attended the Washington Park vaccination site and thanked the nurses who were working in the heat. She stated she visited the Fairplex site and was very impressed with the set-up and the medical facilities available there. She stated that she knows people have strong feelings about this but we are dealing with children who have been dealing with trauma and we need to be compassionate.

Councilmember Lustro thanked those that attended the AAPI gathering. He stated it was a nice turnout and there were great speakers at the event. He thanked Pomona Police Officer Burt Sanchez for trying to assist with a neighborhood dispute. He thanked those who attended the online CalTrans meeting regarding the Highway 71 expansion and was happy to report that this project will be starting soon finally. He said that he be putting out periodic updates of the expansion project for his district.

Councilmember Torres thanked the LA County Assessor Jeff Prang for attending the COVID vaccine event at Washington Park. He thanked Dr. Vo for accepting recognition from his office and spoke about the importance of supporting the Vietnamese community and all Asian communities. He attended a tour of the Fairplex migrant facility and while he is optimistic he wanted to let the community know that he will continue to follow up to ensure that promises are being kept as to the operations. He thanked City staff for applying for grants that will go towards certain projects such as restoration of Ganesha Park trails and re-paving streets in District 6. He spoke about his desire to work towards funding several projects in the future related to housing, youth centers, and senior services.

Mayor Sandoval thanked Kaiser for collaborating with Cal Poly Pomona to set up a vaccine location and also setting up the Washington Park event. He visited the Fairplex youth site and expressed how all the people he met there were approaching this with humanitarian

views and compassion and that was very important to him. He stated that he will be having two upcoming town hall meetings in English and Spanish that will address the concerns that the community has. He spoke about the Pomona Community Foundation's Esperanza fund (also mentioned by Councilmember Garcia) which is accepting donations to help the youth at the intake site including providing care packages for the children. He expressed how important it is right now for our City to express compassion.

CITY MANAGER COMMUNICATIONS

City Manager James Makshanoff announced local vaccine clinics at the Pomona Unified School District Mendoza Center, Cal Poly Pomona, Pomona Valley Medical Center, Fairplex, and Western University. He advised that street sweeping parking enforcement has resumed. He advised Section 8 waitlist is open through Monday, May 10. He advised there are free housing legal clinics at City Hall on Mondays and Wednesdays by appointment. He stated Washington and Ganesha Park pools will reopen this summer.

PUBLIC PARTICIPATION

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 and also were accepted live during the meeting via the chat feature on Zoom or voice. Comments received electronically via email were read into the record by the City Clerk.

****PLEASE SEE ATTACHMENT FOR ONE (1) EMAIL COMMENT READ DURING PUBLIC PARTICIPATION.**

Live comments were as follows:

Jacqueline Elizalde spoke about her tour of the Fairplex site where migrant children will be housed and the important work Congresswoman Norma Torres is doing related to this facility. She expressed disappointment related to her belief that some elected officials were using this facility as an opportunity for political gain.

Larry Ortega spoke about his opposition to SB 556 regarding small wireless facilities attachments and urged the council to bring this issue to the next meeting to oppose this bill.

Natalie Chaidez, Fairplex Community Engagement Team, spoke about the community efforts to help with the site to house migrant children and thanked all that have been a part of the collaborative effort.

Eunice Russell thanked Chief Ellis and the City for the promotion of Lt Terrell to a leadership role. She also expressed her concern for the children being brought to the Fairplex and what happens if the parents cannot be located and the children cannot be

placed with families. She stated there is no information out there that tells the community what will happen with the children and how that affects the City.

Dee Dee Ybarra expressed frustration with the council and particularly the Mayor being divisive. She stated that an incident involving a mural that was illegally put up at a park is now causing her family to receive threats and be labeled gangsters.

Donna Otero thanked Congresswoman Torres for inviting her to the community tour of the Fairplex site. She spoke about her concerns for the children that will be arriving there and what is the long term plan if there is not a home for them.

Margaret Caldera spoke about the children at the Fairplex and hoped that all efforts will be made to keep them safe. She expressed her concern about the crime levels in the neighborhood that she moved into and the lack of police presence. She spoke about the lack of help for the youth in the community. She also spoke about lack of masks and the need to have a better vaccine outreach. She expressed concerns about trash and livestock in the City.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve the entire consent calendar.

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:

March 9, 2021 Meeting Minutes

April 19, 2021 Meeting Minutes

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve the meeting minutes of March 9 and April 19, 2021.

2. Second Reading and Adoption of an Ordinance Amending Emergency Shelter Overlay ("ES" Overlay Zoning District) to Include an Additional Three (3) Parcels and Amending Off-Street Parking Requirements for "Emergency Shelter" Land Uses

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

ORDINANCE NO. 4302 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN AMENDMENT TO THE POMONA ZONING CODE TO INCLUDE AN ADDITIONAL THREE (3) PARCELS INTO THE EMERGENCY SHELTER OVERLAY ("ES" OVERLAY ZONING DISTRICT) AND

AMEND OFF-STREET PARKING REQUIREMENTS FOR “EMERGENCY SHELTER” LAND USES

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0 to adopt Ordinance No. 4302.

3. Extension of City’s Non-Exclusive Commercial Solid Waste Franchise Agreements and the City’s Agreement for Recycle Bin and Roll-Off Services for City Facilities

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

- 1) Approve an extension, to include relevant language pertaining to SB 1383 and include a one percent Consumer Price Index (CPI) increase, to the current agreement with Arakelian Enterprises, Inc., dba Athens Services from June 1, 2021 through December 31, 2021 for trash and recycle bin and roll-off services for City facilities;
- 2) Approve an extension to the current commercial non-exclusive franchise agreement with Arakelian Enterprises, Inc., dba Athens Services from July 1, 2021 through December 31, 2021;
- 3) Approve an extension to the current commercial non-exclusive franchise agreement with Burrtec Waste Industries, Inc. from July 1, 2021 through December 31, 2021;
- 4) Approve an extension to the current commercial non-exclusive franchise agreement with Zerep Management Corporation, dba Valley Vista Services, Inc., from July 1, 2021 through December 31, 2021;
- 5) Approve an extension to the current commercial non-exclusive franchise agreement with Arakelian Enterprises, Inc., dba Athens Services from July 1, 2021 through December 31, 2021;
- 6) Approve an extension to the current commercial non-exclusive franchise agreement with USA Waste of California, Inc., dba Waste Management from July 1, 2021 through December 31, 2021;
- 7) Authorize the City Manager to execute the extension to the contract on behalf of the City, subject to review by the City Attorney.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve the memorandum of unrecorded grant agreement as a condition to Grant No. U29121-0 for the construction of “Phil and Nell Soto Park”.

4. Authorization to Execute the Moving to Work Annual Contributions Contract Amendment

It is recommended that the City Council, sitting as the Governing Board of the City of Pomona Housing Authority, take the following actions:

- 1) Review the Moving to Work (MTW) Annual Contributions Contract (ACC) Amendment;
- 2) Adopt the following resolution:

RESOLUTION NO. 2021-50 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SITTING AS THE GOVERNING BOARD OF THE POMONA HOUSING AUTHORITY, APPROVING THE POMONA HOUSING AUTHORITY'S SUBMISSION OF THE MOVING TO WORK ANNUAL CONTRIBUTIONS CONTRACT AMENDMENT TO THE HOUSING CHOICE VOUCHER ANNUAL CONTRIBUTIONS CONTRACT

- 3) Authorize the Executive Director to execute the Moving to Work Amendment to the Annual Contributions Contract.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2021-50

5. Approval of a Two-Year Contract with the Inland Valley Humane Society & S.P.C.A. to Provide Animal Care and Control Services

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

RESOLUTION NO. 2021-51 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO-YEAR CONTRACT WITH THE INLAND VALLEY HUMANE SOCIETY (IVHS) TO PROVIDE ANIMAL CARE AND CONTROL SERVICES

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2021-51

6. Authorization to Submit an Application for the Affordable Housing and Sustainable Communities Program

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

RESOLUTION NO. 2021-48 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING APPLICATION FOR THE AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM IN

**CONNECTION WITH THE PROPOSED AFFORDABLE HOUSING PROJECT AT
1321 EAST HOLT AVENUE**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA,
CARRIED 7-0, to adopt Resolution No. 2021-48.**

DISCUSSION

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

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

- 1) Approve the expenditures(s) recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended items(s) and
 - A) Amount to be determined to provide emergency relief for those affected by COVID-19 Pandemic – Requested Amount: TBD
 - B) Amount to be determined to support Food Distribution Events at Palomares Park – Requested Amount: TBD
 - C) Amount to be determined to support the 31st Pomona Valley Juneteenth Gospel and Jazz Arts Festival – Requested Amount: \$5,000
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

Live comment was as follows:

Trudy Coleman spoke about the upcoming Juneteenth event.

Councilmember Garcia asked to add an additional item, the Esperanza Fund to finding of public benefit

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY MAYOR SANDOVAL,
CARRIED 7-0, to add item D, Esperanza Fund, as it came up subsequent to the
posting of the agenda and required immediate action and to make a finding of public
benefit for items A-D.**

8. Presentation of the Ten Year Financial Forecast

It is recommended that the City Council review and discuss the Ten-Year Financial Forecast as it is presented.

Andrew Mowbray, Finance Director, introduced this item and Jim Morris from Urban Futures, the City's consultant gave the presentation. Michael Busch from Urban Futures was also available for questions.

Councilmembers made comments and asked questions about this item.

This item was for discussion only so no action was taken.

9. Proposed City Charter Amendments Being Considered by the Charter Review Commission Regarding Campaign Finance, Resign to Run (Safe Seats), and Agenda Posting Deadlines for City Council and Commission Meetings

It is recommended that the City Council review and provide feedback regarding amendments to the City Charter being considered for placement on the ballot in November 2022 by the Charter Review Commission regarding:

- 1) Amending voluntary campaign spending limits and campaign contribution limits;
- 2) Establishing a Resign to Run provision requiring that any current Council Member who runs for Mayor and whose Council term will not end at the same time the new Mayoral term starts, which includes Councilmembers from Districts 2, 3, and 5, must resign from their Council seat;
- 3) Increasing the agenda posting deadlines for all City Council, Commission and Board meetings subject to the Ralph M. Brown Act (Brown Act) from seventy-two hours to seven days for regular meetings and from 24 to 72 hours for non-emergency special meetings; and
- 4) Adding a Police Commission.

Charter Review Commission Chair Derek Engdahl gave a brief summary of the proposed amendments.

****PLEASE SEE ATTACHMENT FOR ONE (1) EMAIL COMMENT READ REGARDING ITEM 9.**

Live comments were as follows:

John Clifford spoke about the commission's research on why they came up with the number of commissioners on the proposed police commission

Eunice Russell spoke about the intent of the proposed police commission since she was on the sub-committee for the Charter Review Commission. She wanted to let the public know that the intent of the proposed police commission was not for hiring/firing of police officers but rather the body that would weigh in on certain behaviors of the police

department and act as a conduit between the public and the police department.

Margaret Caldera asked questions about how the proposed amendments. The Mayor explained that this time was for comment only.

Councilmembers made comments and asked questions.

This item was for discussion only so no action was taken.

10. Introduction and Adoption of a Proposed Ordinance Creating a Police Oversight Commission with Duties and Responsibilities by Adding Division 6 to Article 5 of Chapter 2 of the Pomona Municipal Code

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

ORDINANCE NO. 4303 - AN ORDINANCE OF THE CITY OF POMONA, CALIFORNIA, CREATING A POLICE OVERSIGHT COMMISSION WITH DUTIES AND RESPONSIBILITIES BY ADDING DIVISION 6 TO ARTICLE 5 OF CHAPTER 2 OF THE POMONA MUNICIPAL CODE

Sonia Carvalho, City Attorney, gave the presentation. She stated she took into consideration the comments from the council, Charter Review Commission, and the public at the April 26 meeting regarding the proposed ordinance for a police commission and has brought a new draft forward for this meeting. She went over the main points.

Live comments were as follows:

Virginia Madrigal spoke against the council adopting this ordinance. She spoke about the need for the people to have a say in this commission and the only way to do that was to put it before the voters with the proposed charter amendments. She expressed that the voice of the people should decide about the police commission.

Councilmembers made comments and asked questions about this item.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to introduce on first reading Ordinance No. 4303 with the following changes:

Sec. 2-655 (g) (after the words City Manager) “who shall provide a copy to the commission subject to redaction as required by law”

Sec. 2-655 (c) requiring the purpose of the commission

Sec. 2-652-the Mayor's appointee will an individual who has life experience and may have been impacted by incarceration (*not verbatim*)

Sec. 2-655 (i) add at the end of statement: "and in particular, report on whether not having subpoena powers has been affecting the ability of the commission to carry out its purpose"

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Preciado thanked the city staff for their work on all of the meetings that have been taking place this month.

Councilmember Garcia asked the city manager for an update on translation services.

Councilmember Torres asked about who can take care of graffiti removal along the 10 freeway between the 57 and White Avenue. He wanted to know who contacts CalTrans if it is out of the City's jurisdiction.

ADJOURNMENT

The City Council meeting was adjourned at 11:27 p.m.

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

MAY 3, 2021 REGULAR CITY COUNCIL MEETING
PUBLIC COMMENTS

PUBLIC PARTICIPATION

MIKE CARGILE – It seems ridiculous that our City Council continues to have Zoom meetings out of a fear of Covid when they have no problem taking “in person” tours of facilities like the Pomona Fairgrounds to see where the unaccompanied minors from Central America will be sequestered.

DISCUSSION CALENDAR NO. 9 (Proposed City Charter Amendments Being Considered by the Charter Review Commission Regarding Campaign Finance, Resign to Run (Safe Seats), and Agenda Posting Deadlines for City Council and Commission Meetings)

KYLE BROWN – My name is Kyle Brown, and I am a resident of Pomona. I'm commenting tonight in support of the Charter Review Commissions proposal to increase and standardize the agenda posting deadline for City Council, Commission and Board meetings. As a resident who regularly advocates for policy that improves our city, I have been frustrated at times with short notice of an agenda item, or release of staff and consultant reports. The agenda and materials for council is usually posted 5 days before the meeting, although there are sometimes delays and the agenda is posted only 4 days prior. This is often not enough time for community members, in their spare time, to review the material, prepare comment, and arrange community voices if such action is desired. And I'm sure it is not enough time for Council to adequately review and prepare for a heavy agenda or consult with constituents who may be affected. Our goal should be to make sure that both decision-makers and the public are fully aware of actions the city is taking and the evidence upon which these actions are based. Adequate noticing is essential to this goal. Pomona would be better off with this noticing provision.