



# 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.*

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Monday, May 17, 2021

7:00 PM

Teleconference via Zoom

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#### **CLOSED SESSION**

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

#### **A) CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**

(Pursuant to Government Code Section 54956.9 (d)(1))

Edil Vazquez and Steve Congalton v. City of Pomona  
L.A. County Superior Court; Case No. 20STCV15371

Chad Jensen and Michael Neaderbaomer v. City of Pomona  
L.A. County Superior Court; Case No. 20STCV17625

Vince Terrell v. City of Pomona  
L.A. County Superior Court; Case No. 20PSCV00677

#### **B) LIABILITY CLAIMS**

(Pursuant to Government Code Section 54956.95)

Claimant: Bill Knight  
Claim Against: City of Pomona

Claimant: Mark Medellin  
Claim Against: City of Pomona

## **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

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

### **CALL TO ORDER**

Mayor Sandoval called the City Council Meeting to order at 7:05 p.m.

### **CITY ATTORNEY REPORT OUT FROM CLOSED SESSION**

City Attorney Sonia Carvalho reported that direction was given to staff on both Closed Session Agenda matters 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  
Ed Segura, Purchasing Manager  
Arnold Dichosa, City Engineer  
Adrian Valdez, Recreation Supervisor  
Chris Millard, Risk Manager  
Isabel Abundis, Management Analyst II  
Donyielle Holley, Housing Programs Supervisor  
Beverly Johnson, Housing  
Mike Osoff, Recreation Manager

Hilda Estrada, contracted by the City, provided translation services via Zoom.

## **PRESENTATIONS**

\* Presentation on the 2021-2026 Local Hazard Mitigation Plan Update

Linda Matthews, Human Resources and Risk Management Director introduced the presentation. Eric Norris from Interwest gave the presentation.

## **MAYOR/COUNCILMEMBER COMMUNICATIONS**

Councilmember Garcia reported on an upcoming town hall regarding the emergency shelter at the Fairplex and gave the event and registration details.

Councilmember Preciado thanked all of those who helped with the Garey High School fundraiser for a senior night. He also thanked the Mayor and Debutante Vintage Clothing for help with a prom gown and suits for senior's event at Village Academy. Mt. San Antonio College (Mt SAC) Just Us 4 Youth, Pomona Day One and the Latino RoundTable will be hosting an event on May 19 on how to apply to Mt. SAC.

Vice Mayor Lustro reported on an upcoming Southwest Commanders Area meeting for Districts 1, 2, and 5 with Lieutenant Ryan from Pomona PD.

Councilmember Ontiveros-Cole spoke about a reopening event at Metro Ale House & Grill. She encouraged residents to try Dana's Gourmet Café on Holt.

Councilmember Torres gave an update on grants that have been applied for from the federal government and he thanked all those that wrote letters in support of that project.

Mayor Sandoval spoke on the vaccine event hosted by Kaiser that is taking place at Washington Park May 18-22. He reiterated Councilmember Garcia's comments about the town hall and reported that he will be giving information about how residents can make donations in support of the children at the Fairplex. He emphasized that donations cannot be used, items must be new. He also stated that he would be seeking barbers and hair stylists looking to donate their time to provide haircuts at the Fairplex.

### **CITY MANAGER COMMUNICATIONS**

City Manager James Makshanoff had nothing to report.

### **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 FOUR (4) EMAIL COMMENT READ DURING PUBLIC PARTICIPATION.**

**Live comments were as follows:**

Darrell Kruse spoke about his concern with the process on how cannabis businesses were now being allowed in the City and his frustration with how cannabis has been viewed and handled in the city in the past specifically in regards to medical cannabis.

The Mayor expressed concern with the use of foul language from the public and asked the City Attorney to advise on how he can address that. City Attorney Carvalho spoke about the rules of decorum in city council meetings and advised that the Mayor can interrupt speakers to remind them of the rules. She also advised that the City Attorney could be brought in to address the rules of decorum as well.

Fabian Pavon, Parks and Recreation Commission Chair, reminded the public about the upcoming meeting for the parks and recreation commission. He expressed concern about the need for a stop sign on Phillips in front of Madison Elementary School. He reported on an incident where cars were disregarding the crossing guard and not stopping.

Virginia Madrigal spoke on her confidence in Fairplex staff to organize and handle the usage of their facility for the immigrant migrant children's shelter. She stated that the immigration issue is not here in Pomona but rather at the southern border and expressed

the need for elected officials to visit those shelters instead of here in Pomona.

### **CONSENT CALENDAR**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to approve the entire consent calendar except for Item 1 which was voted on in a separate motion.**

1. Second Reading and Adoption of 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 adopt the following ordinance:

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

**This item was pulled for discussion for public comments.**

**\*\*PLEASE SEE ATTACHMENT FOR FOUR (4) EMAIL COMMENT READ REGARDING ITEM 1.**

**Live comments were as follows:**

Maria Galvan expressed concern that this ordinance did not have subpoena powers for the commission. She stated that the intent of this commission was to have the community involved in the hiring and firing of officers for misconduct. She spoke about students on the Mt. SAC campus who have experienced police harassing them and nothing done about it. She encouraged council members to include subpoena powers in order to build trust in the community.

Mike Suarez expressed concern that this ordinance did not have subpoena powers for the commission. He stated that without subpoena power the police chief could overrule the commission's request to interview an officer. He expressed the need for a just police oversight commission to be created that includes subpoena power.

Irene Aguirre offered condolences to all the fallen police officers throughout the country. She expressed concern about former military personnel becoming police officers and perhaps that leads to issues due to military experience trauma. She stated that she knows there are many good police officers in the City that are very helpful but that the few bad officers in the department give the impression to residents that all officers are bad.

The Mayor asked the city attorney to speak to concerns that this ordinance would be put on the 2022 ballot as a competing measure to the Charter Review Commission's amendment involving the creation of a police oversight commission. He also asked the city attorney to address the subpoena powers issue as she had in the previous meeting.

City Attorney Carvalho clarified that the commission, even though it does not have subpoena powers, will have the power to request information from the police chief, then the city manager, and finally the city council if the previous requests are not complied with. She stated that subpoena power rests at the council level and can be delegated to the commission. She also stated that a subpoena could not force someone to testify. It can call someone to be present to answer questions but there are certain circumstances where a person could not be forced to appear.

She also spoke about this ordinance not competing with the Charter Review's amendment and stated that there are a number of places where the two work well together.

The Mayor stated he would like to set a reasonable timeline for the establishment of this commission and would like it to be in place by September.

Councilmembers Preciado and Garcia made comments on this item.

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Ordinance No. 4303.**

2. Adopt a Resolution to Receive an Additional \$206,000 in Elderly Nutrition Grant Funding from the County of Los Angeles Workforce Development, Aging and Community Services (WDACS) and Amend the FY 2020-21 Operating Budget by Increasing Revenue Estimates and Appropriating \$206,000

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO RECEIVE AN ADDITIONAL \$206,000 FROM THE COUNTY OF LOS ANGELES WORKFORCE DEVELOPMENT, AGING AND COMMUNITY SERVICES (WDACS) FOR THE ELDERLY NUTRITION PROGRAM AND AMENDING THE FY 2020-21 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING \$206,000**

- 2) Authorize the City Manager, or his designee, to execute the Third Amendment to the agreement with the County of Los Angeles to receive an additional \$206,000 in reimbursement grant funding and any subsequent amendments hereto, following City Attorney approval; and

- 3) Authorize the increase of the City's cash match to the Elderly Nutrition Grant in an amount not-to-exceed \$99,000.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0 to adopt Resolution No. 2021-40.**

3. Amendment of the FY 2020-21 Capital Improvement Program (CIP) Budget and Award an Agreement to RJM Design Group for Preparation of the Parks and Facilities Master Plan

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-52 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-21 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING \$250,000 OF GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARKS AND OPEN SPACE DISTRICT MEASURE A PROGRAM TO FULLY FUND THE CURRENTLY UNFUNDED "PARKS AND FACILITIES MASTER PLAN," PROJECT NO. 428-2590-XXXXX-71072**

- 2) Award a Professional Services Agreement with RJM Design Group in an amount not-to-exceed \$250,000 for the preparation of the Parks and Facilities Master Plan; and
- 3) Authorize the City Manager to execute the Agreement on behalf of the City, subject to review by the City Attorney.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-52**

4. Amendment of the FY 2020-21 Capital Improvement Program (CIP) Budget by Appropriating \$72,000 of Highway Safety Improvement Program (HSIP) Grant Funds to "Local Roadway Safety Plan (LRSP)," Project No. 428-2590-XXXXX-68570

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-21 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY ACCEPTING HSIP GRANT**

**FUNDS, INCREASING REVENUE ESTIMATES AND APPROPRIATING \$72,000 OF HSIP GRANT FUNDS TO “LOCAL ROADWAY SAFETY PLAN (LRSP),” PROJECT NO. 428-2590-XXXXX-68570**

- 2) Approve Program Supplemental Agreement between Caltrans and the City of Pomona to receive \$72,000 of Highway Safety Improvement Program (HSIP) Grant Funds for “Local Roadway Safety Plan (LRSP),” Project No. 428-2590-XXXXX-68570; and
- 3) Authorize the City Manager to execute the Program Supplement Agreement and any related documents to effectuate said Agreements on behalf of the City.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-53.**

5. Approve Measure M Multi-Year Subregional Program (MSP) Funding Agreement and Appropriate \$1,428,876 of MSP Grant Funds to “Bike Path - San Jose Creek,” CIP Project No. 428-2590-XXXXX-58072

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-56 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA AMENDING THE FY 2020-21 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY ACCEPTING MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM (MSP) GRANT FUNDS, RAISING REVENUE ESTIMATES AND APPROPRIATING \$1,428,876 OF MSP GRANT FUNDS TO “BIKE PATH - SAN JOSE CREEK,” PROJECT NO. 428-2590-XXXXX-58072**

- 2) Authorize the City Manager to execute the Los Angeles County Metropolitan Transportation Authority (MTA) agreement to accept MSP grant funds for “Bike Path - San Jose Creek,” Project No. 428-2590-XXXXX-58072.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-56.**

6. Award of Contract to Otto Environmental Systems, North America, Inc. for Purchase of Refuse Containers

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



- 1) Award a contract to Otto Environmental Systems, North America, Inc. for as-needed purchase of refuse containers through a cooperative purchase agreement that was executed by the City of Sacramento through January 19, 2022; and
- 2) Authorize the City Manager, or designee, to approve the agreement, purchase orders, and any extensions thereto, on behalf of the City.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to award a contract to Otto Environmental Systems, North America.**

7. Approval of Lot Merger LM10-2020 for the Property Located at 1947 Yorba Drive, Pomona, CA, Assessor Parcel Numbers 8359-003-006 & -007, Related to the Future Expansion of an Existing Residential Property (Council District 6)

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-54 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM10-2020 FOR THE PROPERTY LOCATED AT 1947 YORBA DRIVE, POMONA, CA, ASSESSOR PARCEL NUMBERS 8359-003-006 & -007**

- 2) Authorize the City Engineer to sign the Lot Merger LM10-2020 on behalf of the City.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-54.**

8. Authorizing the Acceptance of \$133,100 in Grant Funds for Operation of State Emergency Rental Assistance Program Supportive Services

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-58 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF \$133,100 IN FEDERAL GRANT FUNDS PASSED THROUGH THE STATE OF CALIFORNIA FOR OPERATION OF STATE EMERGENCY RENTAL ASSISTANCE SUPPORT PROGRAM; AMEND THE FY 2020-21 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING \$33,000**

- 2) Authorize the City Manager to execute all agreements and any other documentation requested for acceptance of the award, distribution of the funding and operation of the State Emergency Rental Assistance Support Program, subject to approval as to form by the City Attorney.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-58.**

9. Award of Contract to Blais & Associates, LLC for Grants Writing Services

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

- 1) It is recommended that the City Council award a two-year agreement with three one-year renewal options with Blais & Associates, LLC to provide grant writing services to the City of Pomona, in an amount not to exceed \$140,000; and
- 2) Authorize the City Manager or his designee to execute the agreement, following City Attorney approval.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to award a contract to Blais & Associates, LLC.**

10. Extension of Temporary Emergency Directives to Suspend Water Utility Bill Late Fees and Water Shut-Offs through June 30, 2021 and Resumption of Utility Bill Late Fees and Shut-Offs for Charges Incurred On or After July 1, 2021

It is recommended that the City Council take the following actions to extend the temporary emergency directives issued by the Director of Emergency Services:

- 1) Approve extending the suspension of late payment penalties or fees for delinquent utility (water, sewer, and solid waste) bills through June 30, 2021;
- 2) Approve extending the suspension of the shut off of City water service for residents and businesses in the City for non-payment of utility (water, sewer, and solid waste) bills through June 30, 2021;
- 3) Direct staff to resume utility billing late fees and shut-offs for delinquent utility bills for utility charges incurred on or after July 1, 2021; and
- 4) Direct staff to assist customers with payment plans to address delinquent payments and have utility bill assistance program referrals available.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to approve extending the suspension of late payment penalties or fees for delinquent utility (water, sewer, and solid waste) bills through June 30, 2021; approve extending the suspension of the shut off of City water service for residents**

**and businesses in the City for non-payment of utility (water, sewer, and solid waste) bills through June 30, 2021; direct staff to resume utility billing late fees and shut-offs for delinquent utility bills for utility charges incurred on or after July 1, 2021; and direct staff to assist customers with payment plans to address delinquent payments and have utility bill assistance program referrals available.**

## **DISCUSSION**

### **11. 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 Kennedy Austin Foundation in support of the 15th Annual Million Mothers March – Requested Amount: \$750.00
  - D) Amount to be determined to Fabian Pavon in support of a picnic table @ Tony Cerda Park – Requested Amount: \$1,041.09
  - E) Amount to be determined to provide Compassionate Pomona T-Shirts for community volunteers at events – Requested Amount: TBD
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

Councilmember Garcia asked about the Community Life Commission's role in vetting the finding of public benefit requests. Neighborhood Services Director Benita DeFrank stated that the commission is currently working on developing a process for this.

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

## **PUBLIC HEARING**

### 12. Public Hearing Adopting the FY 2021-2022 Annual Action Plan Funding with Funding Recommendations

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

1) Adopt the following resolution:

**RESOLUTION NO. 2021-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE DRAFT FY 2021-2022 ANNUAL ACTION PLAN WITH PROPOSED FUNDING FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME) AND EMERGENCY SOLUTIONS GRANT (ESG) FEDERAL ENTITLEMENT PROGRAMS**

- 2) Approve final award recommendations for the FY 2021-2022 CDBG Program;
- 3) Approve final award recommendations for the FY 2021-2022 HOME Program;
- 4) Approve final award recommendations for the FY 2021-2022 ESG Program;
- 5) Approve awarding \$57,000 in Emergency Solution Grant to Volunteers of America Los Angeles, under the current site operator agreement for the Hope for Home Service Center;
- 6) Approve the inclusion of funding awards in the Annual Action Plan;
- 7) Adopt the FY 2021-2022 Annual Action Plan as amended by item 6 above; and
- 8) Authorize the City Manager to execute appropriate applications and certification documents for the Annual Action Plan for submittal to the U.S. Department of Housing and Urban Development (HUD).

Benita DeFrank, Neighborhood Services Director, gave an overview of this item.

The Mayor opened the Public Hearing.

**\*\*PLEASE SEE ATTACHMENT FOR ONE (1) EMAIL COMMENT READ REGARDING ITEM 12.**

**No live comments.**

The Mayor closed the Public Hearing.

Neighborhood Services Director DeFrank went over the spreadsheet regarding each

councilmembers' CDBG allocations and received input from those councilmembers needing to allocate funds.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2021-23.**

13. Approve an Amendment to the Consolidated Plan and the Fiscal Year (FY) 2020-21 Annual Action Plan to Re-Appropriate Community Development Block Grant Coronavirus (CDBG-CV) Funds

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

**RESOLUTION NO. 2021-60 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CONSOLIDATED PLAN AND THE FISCAL YEAR (FY) 2020-21 ANNUAL ACTION PLAN TO RE-APPROPRIATE \$200,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) FUNDS TO FUND COVID-19 INFORMATION AND REFERRAL SERVICES**

Benita DeFrank, Neighborhood Services Director, gave an overview of this item.

The Mayor opened the Public Hearing and with no speakers on this item, the Mayor closed the Public Hearing.

Councilmember Preciado recognized Benita and her staff for their outstanding Coronavirus outreach programs. The Mayor asked Benita to speak on their efforts to reach all of the community and make the processes as accessible as possible with Pomona Connect.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2021-60.**

14. Establishment of Policies Regarding the Payment of Development Impact Fees

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

**RESOLUTION NO. 2021-57 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING POLICIES REGARDING THE PAYMENT OF DEVELOPMENT IMPACT FEES**

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

The Mayor opened the Public Hearing.

**\*\*PLEASE SEE ATTACHMENT FOR ONE (1) EMAIL COMMENT READ REGARDING ITEM 14.**

**No live comments.**

The Mayor closed the Public Hearing.

**MOTION BY COUNCILMEMBER NOLTE, SECOND BY COUNCILMEMBER GARCIA, CARRIED 5-2 (COUNCILMEMBERS TORRES AND ONTIVEROS-COLE IN OPPOSITION), to adopt Resolution No. 2021-57.**

**MATTERS INITIATED BY CITY COUNCILMEMBERS**

Councilmember Torres requested a list of City properties that are vacant.

**ADJOURNMENT**

The City Council meeting was adjourned at 8:33 p.m.

Respectfully submitted,

ATTEST:

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ROSALIA A. BUTLER, MMC  
City Clerk/Secretary of the Pomona  
Housing Authority/Successor Agency to the  
to the Redevelopment Agency

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TIM SANDOVAL  
Mayor/Chair of the Pomona  
Housing Authority/Successor Agency  
Redevelopment Agency

**MAY 17, 2021 REGULAR CITY COUNCIL MEETING**  
**PUBLIC COMMENTS**

**PUBLIC PARTICIPATION**

**ELIZABETH EBINER** – Dear City Council,  
How much do you care about Pomona? Certain areas of our city seem to have been utterly abandoned and disregarded. Pomona includes many beautiful and respectable places. However, there are other areas that are characterized by their ugliness. Unfortunately, the places filled with trash and blighted structures help to define Pomona in the most negative terms. Let's take Holt Avenue. When is the last time you walked for an hour or two on this main thoroughfare? I regularly drive, and occasionally walk, down Holt. Many business owners are doing their best to provide honest services while keeping their storefronts tidy. But many are not!! And a great number of structures are vacant and dilapidated! These eyesores are a detriment to everyone - surrounding businesses, nearby residents, and individuals walking or driving by. City council - please do not let abandoned and derelict buildings remain empty and unkempt for months or years on end! They invite crime and criminals, create unhealthy environments, impair the success of surrounding businesses, and give the impression that the City doesn't care. Do you care? I urge City Council members to take action to ensure that owners maintain their properties and sell them in a timely manner. Please take the time to look into blight remediation programs that, in the long run, will greatly help our City.

**FERNANDO MONTES** – I live on Hunter Point Rd, adjacent to the 71 and would like to know the distance between the sound barrier wall and my block wall and also is there going to be an alleyway in between?

**CEDRIC EBINER** – As I pulled in the drive-through of Walgreens at the corner of Towne and Holt Avenue it was as if I drove into a war zone. The entire area is strewn debris not only with the usual trash but melted objects that seemed to have been set on fire earlier. One man sitting on the curb, haggard, was looking into empty space. A woman was holding on to her overflowing shopping cart in the bushes and another person was just wandering around aimlessly. As soon as I pulled up to the window a woman appeared and walked passed my car in the driveway adjacent to mine, pulled down her pants, did not even squat and started urinating all over herself. She remained there standing for the next two minutes it took for my prescription to be handled. She hadn't moved as I drove off. This is not fair to anyone. This is not fair to me and the Walgreen's customers. This is not fair to the Walgreens employees. This is not fair to the Walgreen's management. This is not fair to the residents of Pomona. This is not fair to this poor woman who has completely lost her sense of worth and dignity. Pomona has to take an aggressive stance to deal with homelessness. It is the only charitable option.

**JANELLE POTTER** – To the leaders of the City of Pomona:

Due to the pandemic, most of the public Services throughout the United States have transitioned from in person to online in order to prevent the spread of Covid-19. There is a service provided by the city as part of the trash pickup services that are intended to

keep the community clean. The service includes the pickup of bulky items, free of charge, once per year. Surprisingly, there is no option to schedule this bulky item pickup service through your website. It appears as though the only way to do this is to call and speak with someone during business hours. Those of us who also work for the City or the County are extremely busy during business hours and take care of various personal tasks outside of business hours. It has been impossible for me to call & request the pickup of a washer and dryer during the limited hours that your staff is available. Today, I happened to be off work and it is a weekday, Friday, and I was disappointed to learn that your staff does not work on Fridays. With all of the other services we can schedule online, from doctor's appointments to food delivery, it doesn't make sense that one cannot so much as email a bulky item pick up request. Please consider offering this free service to enhance the quality of services provided to Pomona's residents and expand the number of people you serve.

**CONSENT CALENDAR ITEM NO. 1 (Second Reading and Adoption of 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)**

**JOSE CALDERON** – As president of the Latino and Latina Roundtable, I object to any attempt to bypass the Charter Commission proposal in regards to the establishment of a Police Oversight Commission. As I have often stated in past meetings with the Mayor and Pomona city council on this subject, the best police oversight commissions nationally have primarily been made up of community people and have had resources. Further, they have had accountability and subpoena power. We have only to look at Pasadena (also a charter city) which created a police oversight commission but ensured that it has subpoena power. As related in the article below, Oakland developed a similar civilian-run oversight commission but with "the power to discipline officers and to fire the police chief." In the past, I have sent to the mayor a study, resources, and proposals by PolicyLink which follows with practices that work the best. I am sending it now to all the city council as part of, what this research advances, in implementing *the concept of community-centered policing to "help build mutual trust and respect, increase safety in communities, and minimize senseless killings and excessive use of force by police."* <http://www.policylink.org/resources-tools/tools/beyond-confrontation>

Please also visit the article *The New More Powerful Wave of Civilian Oversight of Police Governing: the Future of States and Localities* (press "continue to site" after clicking on this link: <http://www.governing.com/topics/public-justice-safety/gov-police-civilian-oversight-oakland-seattle.html>): The article relates that "In Oakland, Calif., police will soon answer to civilians newly entrusted with the power to discipline officers and fire the chief. Last November, the city's residents voted to create a civilian-run commission with a level of authority over law enforcement that is rare in this country.

**JESUS SANCHEZ** – As you discuss the ordinance that will establish a Police Oversight Commission and an Inspector General, I would like for all of you to consider the following:



- What would this commission do if Christian Aguilar were assaulted by Pomona PD tomorrow? Would they ensure justice for the family of a child who was beat by one of your employees?
- Or what would the commission do if Officer Edgar Padilla murdered another person with an active complaint against the department tomorrow?

While your ordinance might sound like progress, in reality the commission lacks subpoena power, cannot impose disciplinary actions on police officers, operates only in a recommendation/advisory capacity, has no say over the hiring of police personnel, and is limited in its ability to timely review use of force incidents.

Each of these points is necessary to secure meaningful civilian oversight, and we urge the Council to incorporate them into any final ordinance. We do not endorse this ordinance and believe it takes us further away from accountability.

**VINCENT CARPIO** – I commend you on the issue of establishing a Police Oversight Commission, however, I am concerned that it falls short without enabling the Commission authority to issue subpoenas, especially on controversial and volatile issues. It is imperative to avoid potential public unrest as we witness nation-wide on other communities. A commission without powers of authority to issue subpoenas equates to tokenism. A mere commission with window dressings. Like old Pomona from the 1960's era.

**FRANCISCO SUAREZ** – I am addressing the agenda item the second reading of the police advisory ordinance put forth by the mayor. I am appalled that the City would rush to enact this by resolution when this subject has been a subject of the City Charter review committee. The community needs a change to the millions of dollars that the City of Pomona spends on protecting the police. I have participated in several cases such as the checkpoint case Ornelas v. Pomona and others. I have seen victims of the police and the suffering the police have caused. To have an advisory board without subpoena power is absurd. Didn't the voters just pass Proposition R? The community needs a change and to pass this ordinance is an effort to continue the status quo of Pomona the police state.

#### **PUBLIC HEARING ITEM NO. 14 (Establishment of Policies Regarding the Payment of Development Impact Fees)**

**CRAIG FURNISS** – Members of the City Council and City Staff:

As you consider Resolution 2021-57 (item #14 under “Public Hearings” for the May 17 Pomona City Council meeting), please consider the following two comments when implementing the new DIF for Pomona and how the DIF applies to industrial/commercial uses in particular:

As Indicated in the Willdan Study, the resolution should provide for the Adjustment of the DIF for Nonresidential Buildings if the Proposed Development Use does not fit one of the Use Categories For which the Fees have been Calculated

For example, the Willdan Study uses traffic generation numbers for industrial projects based on “Category 110 General Light Industrial” in the ITE Manual 10<sup>th</sup> Edition. If the proposed development is a different kind of industrial use, trip generation rates should be adjusted to reflect the traffic generation rates for that use from the ITE Manual 10<sup>th</sup> Edition. Let’s assume the new development proposed is “Category 150 Warehousing” then the Roadway and Traffic Signal components of the DIF charged should be adjusted to reflect the traffic generation for the warehouse use being proposed. Willdan has provided for such an adjustment in the following provision in its Pomona DIF Study (page 16):

*“If an applicant believes that their project does not fit into the land use categories for which fees have been calculated, at the discretion of the Public Works Director, the fee can be calculated by multiplying the cost per trip by the number of PM peak hour trips identified in the latest ITE Trip Generation Manual for the land use , adjusted by the applicable trip rate adjustment factors in Table 3.1.”*

Please confirm in the implementing resolution that this recommendation will be followed by the City.

Consideration of Prior Site Use DIF Adjustment

Willdan’s report is silent on the adjustment of new DIF fees for projects where an existing use is being replaced. For example, if a developer were to tear down a 50,000 sf industrial building and replace it with a 125,000 sf industrial building, it would make sense to charge a DIF based on the net square footage of new development added (in this case, 75,000 sf of industrial). If a developer is proposing to replace one use with another use, say replacing an 75,000 sf institutional building with an 50,000 sf office building, it would be consistent with how Willdan calculated the existing and future demand to assess a new DIF based on the difference in fees for the two uses. For example, if the Office DIF was \$23,597/ 1,000 sf and the prior institutional use DIF was \$9,234/1,000 sf then the DIF calculation adjusting for the prior use being taken out of service would be in this example: 50,000 sf office x \$23,597/1,000 sf = \$1,180,000 less the prior use 75,000 sf x \$9,234/1,000 sf = \$693,000 for a net DIF assessed of \$487,000.

Willdan took into account the demands created by existing buildings when it created the Pomona DIF Study so it naturally makes sense (and is consistent with the methodology used to calculate the fees) for a fee adjustment to be made by subtracting the impact of the prior use being removed. We suggest a paragraph on fee adjustments for replacement of prior uses be added to the implementing ordinance. (Pomona may want to limit fee adjustments in the rare case that the DIF of the new use is less than the DIF of the prior use. This would likely never occur but it would make sense to limit any prior use fee adjustments to be no greater than the DIF for the new development.)