



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, September 20, 2021

7:00 PM

Teleconference via Zoom

CLOSED SESSION

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

A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of Case: City of Pomona v. SQM North America Corporation

U.S.D.C. No. 2:11-cv-00167-RGK-JEM

B) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property:	1172 E. Pasadena Street, Pomona, CA (APN: 832-301-6016)
Negotiating Party:	Mark Warren
City's Negotiator:	James Makshanoff, City Manager
Under Negotiation:	Price and terms

C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION AND/OR EXPOSURE TO LITIGATION

(Pursuant to Government Code Section 54956.9 (d)(2))

One (1) Case: Related to Potential Breach of Contract matter

D) 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 stated there was no reportable action from the several closed session items.

PLEDGE OF ALLEGIANCE

Councilmember Preciado 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
City of Pomona

Kirk Pelser, Deputy City Manager
Mark Gluba, 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
Mike Osoff, Community Services Manager
Adrian Valdez, Recreation Supervisor
Arnold Dichosa, City Engineer
Donyielle Holley, Housing Programs Supervisor
George Montano, Housing Authority Manager
Samantha Piedra, Homeless Programs Coordinator
Beverly Johnson,
Isabel Abundis, Analyst
Ed Segura, Purchasing Manager

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

PRESENTATIONS

*Proclamation Proclaiming September 15 - October 15, 2021 as National Hispanic Heritage Month

The Mayor and Councilmembers read the proclamation language for National Hispanic Heritage Month

*Introduction of New Los Angeles County, Division VIII Assistant Fire Chief Tony Ramirez

The new Assistant Fire Chief was not able to attend.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Preciado announced that DayOne Pomona would be hosting a movie night. Community garden organizers have been hosting a farmer's market every Wednesday. Project Hope will host their Hope Fest on Saturday, October 2 at Tony Cerda Park.

Vice Mayor Lustro announced that the upcoming Westmont Community Meeting would be postponed until mid-October.

Councilmember Ontiveros-Cole attended a soft opening for the Lion's Den, a new gym in Pomona.

Councilmember Garcia announced Story time every Wednesday outside the Pomona Library, a “Juice and Paint” Event also at the library and Brown Memorial Temple hosting Good Shepard Day event helping the homeless community. She also asked the community for donations of new clothes for teenage boys for the EIS center at the Fairplex.

Councilmember Nolte reported that he participated in PEOC’s Caminata por el respeto event where he walked from the day laborer center in Rancho Cucamonga to Pomona’s day laborer center in support of the immigrant community.

Councilmember Torres thanked veterans for their service. He thanked District 6 residents who attended the meeting regarding Carvana. He attended the Contract Cities Conference and spoke about SB 9 and the negative impact it will have on Pomona now that the governor has signed it. He reported that he would be hosting with Blue Shield a flu shot event on November 6 at Palomares Park.

Mayor Sandoval reminded residents about Pomona Connect, which offers a range of resources. He reported that the Fairplex is hosting a Bite Size Fair on weekends and he encouraged residents to attend.

CITY MANAGER COMMUNICATIONS

City Manager James Makshanoff reported that the public should check the City’s website or social media to find out whether the next council meeting will be virtual or in person.

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 TWELVE (12) EMAIL COMMENTS READ DURING PUBLIC PARTICIPATION.**

Live comments were as follows:

Gloria Almanza spoke about a recent successful event called Rebellion at the Art Walk and other artists including herself that were honored for this event.

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.

Ion Puschila thanked the staff and council for paving the streets and beautification of the

City. He thanked the Mayor for helping with the historical preservation. He thanked the council for their work with literacy programs. He expressed concern with Ginna Escobar being appointed to a commission.

Cynthia Marino urged the council to reconsider Ginna Escobar's appointment to the Phillips Ranch committee.

Kendall Fraves from Just Us 4 youth spoke about the work their organization has been doing in the community.

Jacqueline Elizalde congratulated the two new commissioners appointed by Councilmember Torres and stated that people should speak positively about those who volunteer their time for appointed positions.

Hevelyn Neely, founder of Greener Stems, spoke about her organization's work to support those that homeschool and their support of clean living.

Eva Thiel-Maiz from Supervisor Hilda Solis' office spoke about the City's vaccination rate and encouraged more people to get the COVID vaccine in order to have a safer city.

Shafali spoke about her disagreement with the appointment of Ginna Escobar because she does not believe she is trustworthy after a recent encounter she had with Ms. Escobar.

CONSENT CALENDAR

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to approve the entire consent calendar except for Items 10, 19, and 24 which were voted on in separate motions.

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:

August 2, 2021 Meeting Minutes
August 9, 2021 Meeting Minutes

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to approve the meeting minutes of August 2 and August 9, 2021.

2. Authorize the Acceptance of the State of California Office of Traffic Safety (OTS) Pedestrian and Bicycle Safety Grant in the Amount of \$44,600 and Amending the FY 2021-22 Operating Budget to Increase Revenue Estimates and Appropriations by \$44,600

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2021-96 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) PEDESTRIAN AND BICYCLE SAFETY GRANT IN THE AMOUNT OF \$44,600 AND AMENDING FY 2021-22 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATIONS BY \$44,600

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

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-96.

3. Amendment to Agreement with HR Green Pacific, Inc. for Professional On-Call Engineering Plan Check Services

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

- 1) Approve an amendment to a contract with HR Green Pacific, Inc. to provide professional on-call engineering plan check services for an amount not to exceed \$300,000 for the initial three-year term, with two optional one-year extension options not to exceed \$100,000 annually; and
- 2) Authorize the City Manager or designee, to execute the amendment and any subsequent amendments.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to approve an amendment to a contract with HR Green Pacific, Inc.

4. Establishing the Order of Appointment of the Vice-Mayor and Selecting and Designating District 6 Councilmember, Robert Torres, as Vice-Mayor

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

RESOLUTION NO. 2021-109 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING THE ORDER OF APPOINTMENT OF VICE-MAYOR AND SELECTING AND DESIGNATING DISTRICT 6 COUNCILMEMBER, ROBERT TORRES, AS VICE-MAYOR

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-109.

5. Approve the Purchase of One CNG Truck for the Public Works Department in the Amount of \$55,880.65

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

RESOLUTION NO. 2021-110 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2021-22 OPERATING BUDGET BY APPROPRIATING \$15,125.65 FROM AVAILABLE AQMD FUND RESERVES TO PURCHASE ONE CNG TRUCK FOR THE PUBLIC WORKS DEPARTMENT

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-110.

6. Award of Agreement to Pomona Wholesale for Street and Park Light Materials and Supplies

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

- 1) Award a three-year agreement with two, one-year renewal options to Pomona Wholesale Electric, Inc. to provide street and park light materials and supplies in an aggregate amount not-to-exceed \$150,000; and
- 2) Authorize the City Manager or designee, to execute the agreement and any subsequent amendments.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to award a three-year agreement with two, one-year renewal options to Pomona Wholesale Electric, Inc. to provide street and park light materials and supplies in an aggregate amount not-to-exceed \$150,000.

7. Amendment of the FY 2021-22 Operating Budget by Carrying Over Remaining Funds from FY 2019-20 and FY 2020-21 Increasing Revenue Estimates and Appropriating Homeless Grant Funds

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

RESOLUTION NO. 2021-115 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2021-22 OPERATING BUDGET BY CARRYING OVER REMAINING FUNDS FROM FY 2019-20 AND FY 2020-21 TO INCREASE REVENUE ESTIMATES BY \$120,644 AND APPROPRIATIONS BY \$119,647 IN MEASURE H; INCREASE REVENUE

ESTIMATES BY \$304,272 AND APPROPRIATIONS BY \$274,272 IN MISCELLANEOUS STATE GRANTS; INCREASE REVENUE ESTIMATES AND APPROPRIATIONS BY \$631,295 IN OPERATION PORCHLIGHT RAPID RE-HOUSING, AND INCREASE REVENUE ESTIMATES AND APPROPRIATIONS BY \$630,355 IN SHELTER PLUS CARE (PERMANENT SUPPORTATIVE HOUSING PSH) GRANT FUNDS

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-115.

8. Award of Contract to West Coast Arborists for Citywide Tree Maintenance

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

- 1) Award a contract to West Coast Arborists for Citywide tree trimming and maintenance services through a cooperative purchase agreement that was executed by the City of West Covina through June 30, 2023 with two optional one-year extensions at prices bid; and
- 2) Authorize the City Manager, or designee, to execute the agreement and any extensions thereto, on behalf of the City.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to award a contract to West Coast Arborists for Citywide tree trimming and maintenance services through a cooperative purchase agreement that was executed by the City of West Covina through June 30, 2023 with two optional one-year extensions at prices bid.

9. Award of Agreement to McCain, Inc. for Traffic Signal Materials and Supplies

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

- 1) Award a three-year agreement to McCain, Inc. for the purchase of traffic signal materials and supplies in an aggregate amount not to exceed \$375,000, with two optional one-year extension options not to exceed \$125,000 annually; and
- 2) Authorize the City Manager or designee, to execute the agreement and any subsequent amendments.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to award a three-year agreement to McCain, Inc. for the purchase of traffic signal materials and supplies in an aggregate amount not to exceed \$375,000, with two optional one-year extension options not to exceed \$125,000 annually.

10. Provide the 2020 California Power Source Disclosure Attestation for Pomona Choice Energy

It is recommended that the City Council provide the attestation specified under California's Power Source Disclosure Program for Pomona Choice Energy.

This item was pulled for discussion by Councilmember Torres.

Live comment was as follows:

Jacqueline Elizalde spoke on her belief that PCE is a sham and unjust. She stated that the notification process was not conducted in a way that was equitable to all.

MOTION BY COUNCILMEMBER NOLTE, SECOND BY COUNCILMEMBER GARCIA, CARRIED 5-2 (COUNCILMEMBER ONTIVEROS-COLE AND TORRES IN OPPOSITION), to provide the attestation specified under California's Power Source Disclosure Program for Pomona Choice Energy.

11. Adopt a Resolution Amending the FY 2020-21 Water Operating Enterprise Fund

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

RESOLUTION NO. 2021-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-21 WATER OPERATING ENTERPRISE FUND AND THE RECYCLED WATER PROGRAM BUDGET BY APPROPRIATING \$727,393 OF RECYCLED WATER RESERVES

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-117.

12. Authorize the Acceptance of \$1,460,000 in Measure H, Coordinated Entry System (CES) for Individuals and Youth Funds for Operation of City of Pomona Year-Round Shelter Crisis Beds Program, and Amending FY 2021-22 Operating Budget to Decrease State HEAP Revenue Estimates by \$103,913 and Decrease Appropriations by \$25,244

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2021-118 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF \$1,460,000 IN MEASURE H, COORDINATED ENTRY SYSTEM (CES) FOR INDIVIDUALS AND YOUTH FUNDS FOR OPERATION OF CITY OF POMONA YEAR-ROUND SHELTER CRISIS BEDS PROGRAM, AND AMENDING FY

2021-22 OPERATING BUDGET TO DECREASE STATE HEAP REVENUE ESTIMATES BY \$103,913 AND DECREASE APPROPRIATIONS BY \$25,244, AND AMENDING THE AGREEMENT WITH VOLUNTEERS OF AMERICA LOS ANGELES BY AWARDED \$1,381,786 TO OPERATE THE CRISIS HOUSING PROGRAM AT THE HOPE FOR HOME HOMELESS SERVICES CENTER AS SITE OPERATOR

- 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 Hope for Home Crisis Housing Program, subject to approval as to form by the City Attorney.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-118.

13. Authorizing the Acceptance of \$912,500 in Grant Funds for Operation of a Bridge Housing Program at the Hope for Home Homeless Services Center; Amend the FY 2021-22 Operating Budget by Increasing Revenue Estimates By \$127,750 and Appropriating \$91,343

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2021-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF \$912,500 IN GRANT FUNDS FOR OPERATION OF A BRIDGE HOUSING PROGRAM AT THE HOPE FOR HOME SERVICE CENTER; AMEND THE FY 2021-22 OPERATING BUDGET TO INCREASE MEASURE H REVENUE ESTIMATES BY \$127,750 AND APPROPRIATIONS BY \$91,343; DECREASE STATE HEAP REVENUE ESTIMATES BY \$384,673 AND APPROPRIATIONS BY \$377,296, AND AMENDING THE AGREEMENT WITH VOLUNTEERS OF AMERICA LOS ANGELES BY AWARDED \$863,616 TO OPERATE THE BRIDGE HOUSING PROGRAM AS THE HOPE FOR HOME SERVICES CENTER SITE OPERATOR

- 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 Hope for Home Bridge Housing Program, subject to approval as to form by the City Attorney.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-119.

14. Authorization of the Acceptance of Two Continuum of Care Grant Awards from the Department of Housing and Urban Development (HUD) Totaling \$3,145,302, Amending FY 2021-22 Operating Budget to Increase Revenue Estimates by \$47,292 and Increase Appropriations by \$60,181, and a Professional Services Agreement with Volunteers of America, Los Angeles (VOALA) in the Amount of \$1,020,259

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2021-120 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF TWO CONTINUUM OF CARE GRANT AWARDS FROM HUD TOTALING \$3,145,302, AMENDING FY 2021-22 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES BY \$47,292 AND INCREASE APPROPRIATIONS BY \$60,181, AND A PROFESSIONAL SERVICES AGREEMENT WITH VOLUNTEERS OF AMERICA, LOS ANGELES (VOALA) IN THE AMOUNT OF \$1,020,259

- 2) Authorize the City Manager to execute appropriate contracts and other documentation requested for acceptance of the award and operation of the above listed Continuum of Care Programs for submission to funders, subject to approval as to form by the City Attorney.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-120.

15. Adopt a Resolution Amending the FY 2021-22 CIP Budget by Creating Two New Projects

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

RESOLUTION NO. 2021-114 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2021-22 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CREATING TWO NEW CIP PROJECTS: 1) THE "HYDRATION STATIONS UPGRADES," PROJECT NO. 528-2590-XXXXX-71073, AND APPROPRIATING \$57,425 OF WATER FUND RESERVES TO THE NEW PROJECT; AND 2) THE "LANDSCAPE IMPROVEMENT - VARIOUS LOCATIONS," PROJECT NO. 428-2590-XXXXX-81059, AND APPROPRIATING \$230,000 OF SAFE CLEAN WATER FUND (MEASURE W) TO THE PROJECT

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-114.

16. Adopt a Resolution Approving Tract Map TM No. 83141 for the Property Located at 875 W. Orange Grove Avenue, Pomona, CA, Assessor Parcel Numbers 8358-009-006, -009 and -010, Related to the Subdivision and Development of a 32 Residential Condominium Units Projects (Council District 1)

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2021-126 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TRACT MAP TM NO. 83141 FOR THE PROPERTY LOCATED AT 875 W. ORANGE GROVE AVENUE, ASSESSOR PARCEL NUMBERS 8358-009-006, -009 AND -010

- 2) Authorize the City Engineer to sign the Tract Map TM No. 83141 on behalf of the City.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-126.

17. Award a Construction Contract in the Amount of \$458,629 to California Professional Engineering, Inc. for "Traffic Signal Improvements - Towne Avenue & Philadelphia Street and Garey Avenue & Philadelphia Street," Project No. 428-2590-XXXXX-68549

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

- 1) Award a construction contract to California Professional Engineering, Inc. for "Traffic Signal Improvements - Towne Avenue & Philadelphia Street and Garey Avenue & Philadelphia Street," Project No. 428-2590-XXXXX-68549, in the amount of \$458,629;
- 2) Find that the project referenced above is categorically exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) and that the proposed project will not have a significant effect on the environment; and
- 3) Authorize the City Manager to execute the construction contract and any subsequent change orders on behalf of the City.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to award a construction contract to California Professional Engineering, Inc. for "Traffic Signal Improvements - Towne Avenue & Philadelphia

Street and Garey Avenue & Philadelphia Street,” Project No. 428-2590-XXXXX-68549, in the amount of \$458,629 and find that the project referenced above is categorically exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) and that the proposed project will not have a significant effect on the environment.

18. Approve Payment to MKP Construction, Inc.

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

- 1) Ratify the expenses for an emergency purchase as per Pomona City Code (P.C.C.) Section 2-998 for the repair of the water mainline pipe on McKinley Avenue; and
- 2) Approve payment to MKP Construction, Inc. in the amount of \$99,222.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to ratify the expenses for an emergency purchase as per Pomona City Code (P.C.C.) Section 2-998 for the repair of the water mainline pipe on McKinley Avenue; and approve payment to MKP Construction, Inc. in the amount of \$99,222.

19. Acceptance of the Recommendation by the Community Life Commission to the Pomona City Council to Include the Term “Engaged Compassion” as a Core Value of the City

It is recommended that the City Council accept the recommendation of the Community Life Commission to include the term “Engaged Compassion” as a Core Value of the City, to be placed on the City of Pomona website and related promotional material.

This item was pulled for discussion by Councilmember Garcia.

Live comment was as follows:

Darrell Kruse was opposed to the city using the word “compassionate” due to their previous handling of the use of medical marijuana in the City.

Councilmember Garcia commented on the need to review and update the City’s vision and core values to align with the council goals.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR LUSTRO, CARRIED 7-0, to accept the recommendation of the Community Life Commission to include the term “Engaged Compassion” as a core value of the City.

20. Amend the FY 2021-22 Operating Budget to Purchase One CNG-Fueled Asphalt Patcher Truck from PB Loader Corporation

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

RESOLUTION NO. 2021-124 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2021-22 OPERATING BUDGET BY APPROPRIATING \$75,882 FROM AVAILABLE AQMD FUND RESERVES TO PURCHASE ONE CNG ASPHALT PATCHER TRUCK FROM PB LOADER CORPORATION.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-124

21. Approval of Funding of \$75,000 to the Pomona Economic Opportunity Center (PEOC) in Accordance with the Defined Disbursement Schedule

It is Recommended that the City Council approve funding for the Pomona Economic Opportunity Center (PEOC) for Fiscal Year 2021-22 in the amount of \$75,000 to be disbursed in four equal payments of \$18,750 at the end of each quarter after receipt of the respective Quarterly Reports.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to approve funding for the Pomona Economic Opportunity Center (PEOC) for Fiscal Year 2021-22 in the amount of \$75,000 to be disbursed in four equal payments of \$18,750 at the end of each quarter after receipt of the respective Quarterly Reports.

22. A Resolution Adopting an Addendum to the 2017 Final Mitigated Negative Declaration and Amending the CIP Budget; and, Approve an Agreement to Design and Construct the Water Resources Building

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2021-116 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ADDENDUM TO THE 2017 FINAL MITIGATED NEGATIVE DECLARATION FOR THE POMONA CORPORATE YARD FACILITY PROJECT (STATE CLEARINGHOUSE NUMBER 2017051029); AND AMENDING THE FY 2021-22 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY UN-APPROPRIATING \$819,017 OF PROPERTY COVERAGE PROCEEDS AND CLOSING THE "CITY STABLE

FACILITY,” PROJECT NO. 428-2590-XXXXX-71054; AND, BY UN-APPROPRIATING \$100,000 OF REFUSE FUND, APPROPRIATING \$819,017 OF PROPERTY COVERAGE PROCEEDS AND \$20,667,213 OF WATER FUND RESERVES TO “WATER RESOURCES ADMINISTRATION AND OPERATIONS FACILITY AND HISTORIC STABLE,” PROJECT NO. 575-8125-XXXXX-93135, AND AMEND THE PROJECT TITLE OF “WATER RESOURCES ADMINISTRATION AND OPERATIONS FACILITY AND HISTORIC STABLE,” PROJECT NO. 575-8125-XXXXX-93135, TO “WATER RESOURCES BUILDING,” PROJECT NO. 575-8125-XXXXX-93135

- 2) Pursuant to Section 15164 of the CEQA Guidelines, the City Council adopts the Addendum to the 2017 Final Mitigated Negative Declaration for the Pomona Corporate Yard Facility Project (State Clearinghouse Number 2017051029) (now known as the “Water Resources Building” project);
- 3) Approve an agreement (Attachment No. 3) with Kemp Bros. Construction, Inc. for the design and construction of the Water Resources Building and reconstruction of the stable building in the amount of \$28,861,614, and contract contingencies of an amount not to exceed 10 percent of the contract amount; and
- 4) Authorize the City Manager, or his designee, to execute the agreement and any change orders on behalf of the City.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-116; and pursuant to Section 15164 of the CEQA Guidelines, the City Council adopts the Addendum to the 2017 Final Mitigated Negative Declaration for the Pomona Corporate Yard Facility Project (State Clearinghouse Number 2017051029) (now known as the “Water Resources Building” project); approve an agreement with Kemp Bros. Construction, Inc. for the design and construction of the Water Resources Building and reconstruction of the stable building in the amount of \$28,861,614, and contract contingencies of an amount not to exceed 10 percent of the contract amount.

23. Review and Recommend Voting Positions of Resolutions and Designation of Voting Delegate for the 2021 League of California Cities Annual Conference

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

- 1) Approve the voting positions recommended on the proposed resolutions;
- 2) Designate City Manager Makshanoff as the voting delegate to cast votes on behalf of the City at the Conference; and
- 3) Instruct the voting delegate to cast votes on resolutions being considered at the

2021 League of California Cities Annual Conference accordingly.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to approve the voting positions recommended on the proposed resolutions; designate City Manager Makshanoff as the voting delegate to cast votes on behalf of the City at the Conference; and instruct the voting delegate to cast votes on resolutions being considered at the 2021 League of California Cities Annual Conference accordingly.

24. Adopt a Resolution to Receive \$300,000 in Grant Funding from Pomona Unified School District (PUSD) for Outdoor and Active Youth Program and Amend the FY 2021-22 Operating Budget by Increasing Revenue Estimates and Appropriations and Adding One (1) Recreation Coordinator Position

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2021-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO RECEIVE \$300,000 FROM POMONA UNIFIED SCHOOL DISTRICT (PUSD) IN GRANT FUNDING FOR OUTDOOR AND ACTIVE YOUTH PROGRAM AND AMEND THE FY 2021-22 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$300,000 AND ADDING ONE (1) RECREATION COORDINATOR POSITION

- 2) Authorize the City Manager, or his designee, to execute an agreement with PUSD to receive \$300,000 in grant funding, following City Attorney approval.

This item was pulled for discussion by Councilmember Preciado.

Live comment was as follows:

Dipaali Reddy shared that she was in line for the recreation coordinator position and asked questions regarding the grant funding.

Councilmember Preciado thanked PUSD for their partnership on this item.

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY VICE MAYOR LUSTRO, CARRIED 7-0, to adopt Resolution No. 2021-108.

25. Approving Funding of \$50,000 to the Pomona Chamber of Commerce in Accordance with the Defined Disbursement Schedule

It is recommended that the City Council approve funding for the Pomona Chamber of Commerce (the "Chamber") for Fiscal Year 2021-2022 in the amount of \$50,000 to be disbursed in four equal quarterly payments of \$12,500 at the beginning of each quarter.

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to approve funding for the Pomona Chamber of Commerce (the "Chamber") for Fiscal Year 2021-2022 in the amount of \$50,000 to be disbursed in four equal quarterly payments of \$12,500 at the beginning of each quarter.

26. Adoption of Resolutions to Reclassify One (1) Senior Management Analyst Position to a New Classification of Public Works Fiscal and Project Manager in the Public Works Department

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

RESOLUTION NO. 2021-127 - 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 AND AMENDING THE PUBLIC WORKS DEPARTMENT AUTHORIZED STAFFING LEVELS FOR THE FISCAL YEAR 2021-22 OPERATING BUDGET TO RECLASSIFY ONE SENIOR MANAGEMENT ANALYST POSITION TO THE NEW CLASSIFICATION OF PUBLIC WORKS FISCAL AND PROJECT MANAGER

RESOLUTION NO. 2021-128 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CITY OF POMONA'S SALARY SCHEDULE FOR FISCAL YEAR 2021-22 TO MEET THE CALIFORNIA CODE OF REGULATIONS TITLE 2, SECTIONS 570.5 AND 571 TO ADD THE CLASSIFICATION OF PUBLIC WORKS FISCAL AND PROJECT MANAGER

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to adopt Resolution No. 2021-127 and Resolution No. 2021-128.

27. Removal of Mayoral Appointee, Luis Angel Corcuera, From the Board of Parking Place Commissioners (Vehicle Parking District)

It is recommended that the City Council remove mayoral appointee, Luis Angel Corcuera, from the Board of Parking Place Commissioners (VPD).

MOTION BY VICE MAYOR LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to remove Luis Angel Corcuera from the Board of Parking Place Commission (VPD)

DISCUSSION

28. 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 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 Mt. Sinai Foundation in support of COVID 19 vaccination clinic – Requested Amount: \$2,500
 - B) Amount to be determined to Victory Outreach in support of Back to School Giveaway-Requested Amount: \$1,000
 - C) Amount to be determined to Pomona Pride Center, Inc. in support of Pomona Pride Center Inaugural Gayla – Requested Amount: \$10,000
 - D) Amount to be determined to dA Center for the Arts in support of 3rd Annual Con Safos Car Show – Requested Amount: TBD
 - E) Amount to be determined to Garey High School in support of Literacy Program – Requested Amount: \$1,000
 - F) Amount to be determined to Project Hope in support of Hope Fest Pomona – Requested Amount: \$3,000
 - G) Amount to be determined to Oscar Grijalva to support his exposure to Dodger Scouts Requested Amount: \$2,500
 - H) Amount to be determined to Self Care Lab, Boxing Club in support of healing of physical and mental issues for Pomona residents – Requested Amount: TBD
 - I) Amount to be determined to TBD in support of holiday lights on West Columbia Avenue– Requested Amount: \$500
 - J) Amount to be determine to Rumsen Ama Turataj Ohlone to bring Native American cultural awareness to the City of Pomona – Requested Amount: \$1,000

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

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to make a finding of public benefit for Items A and J.

29. Approval of the City of Pomona's Expenditure Plan for the Coronavirus State and Local Fiscal Recovery American Rescue Plan (ARP) Funds Allocated from the United States Federal Government Department of Treasury

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

RESOLUTION NO. 2021-129 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE CITY OF POMONA'S EXPENDITURE PLAN FOR THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY AMERICAN RESCUE PLAN (ARP) FUNDS ALLOCATED FROM THE UNITED STATES FEDERAL GOVERNMENT DEPARTMENT OF TREASURY

Finance Director Andrew Mowbray gave the staff presentation. Andre Monette from BBK was also available to answer questions.

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

Live comments were as follows:

Gloria Almanza and Cindy Barreras both urged the council to spend money on programs and non-profit organizations that will really benefit the City.

Jacqueline Elizalde expressed concerns about how the City is helping small businesses and residents that need rent and mortgage assistance.

Finance Director Mowbray confirmed that small businesses would receive grant money not loans.

Neighborhood Services Director Benita DeFrank gave information on how the State is assisting those who are in arrears on their rent due to COVID-19.

Mayor Sandoval requested to add small non-profits into the small business grants category. He also asked for consideration in the case that the City be in better shape down the road that \$2 million be taken from the General Fund Budget Shortfall category and distributed as such: \$1.6 million more to the Health and Wellness Activities category for economic development; \$400,000 to the Guaranteed Income category to fund staff to help process.

Councilmember Garcia requested that economic development be its own bucket. She made a push for parks and community centers to receive more funding.

Vice Mayor Torres asked questions regarding the latest Treasury guidance on how the money can be used to avoid any potential audits.

Councilmember Preciado requested to add some money to the technology upgrades category later on if there is money to move around. He also spoke about the downtown transit station that needs a lot of work so he is hoping that can be one of the CIP projects.

Councilmember Ontiveros-Cole asked about help for seniors and where that funding can come from.

Councilmember Lustro was supportive of the Mayor's recommendations. He also spoke in support of the staff and how much council relies on their expertise and depends on their recommendations.

Mayor Sandoval spoke about the five CIP projects and how they need to be prioritized.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2021-129 with the amendment that \$2 million be taken from the General Fund Budget Shortfall category and distributed as such: \$1.6 million more to the Health and Wellness Activities category for economic development; \$400,000 to the Guaranteed Income category to fund staff to help process.

PUBLIC HEARING

30. Public Hearing on the City of Pomona Housing Authority's Moving to Work Supplement to the Pomona Housing Authority Annual Plan

It is recommended that the City Council, sitting as the Governing Board of the City of Pomona Housing Authority, conduct a Public Hearing for the City of Pomona Housing Authority's "Moving to Work" Supplement to the Pomona Housing Authority Annual Plan to Receive Testimony and Comments.

George Montano, Housing Authority Manager, gave the staff presentation.

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

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 7-0, to approve the Housing Authority's "Moving to Work" supplement to the Pomona Housing Authority Annual Plan.

31. Public Hearing to Receive Comments on the Fiscal Year (FY) 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG) Funds

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

- 1) Conduct a public hearing to receive comments on the Fiscal Year (FY) 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Funds;
- 2) Upon conclusion of the public hearing, direct staff to incorporate comments received into the final FY 2020-2021 CAPER; and
- 3) Approve the FY 2020-2021 CAPER for submission to the U.S. Department of Housing and Urban Development (HUD).

Benita DeFrank, Neighborhood Services Director, gave a brief overview.

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

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 7-0, to submit the Consolidated Annual Performance and Evaluation Report (CAPER) to HUD.

32. Public Hearing Amending the Consolidated Plan, the Fiscal year (FY) 2021-22 Annual Action Plan, the FY 2021-22 City Operating Budget and the FY 2021-22 Capital Improvement Program (CIP) Budget by Increasing/Decreasing Revenue Estimates and Appropriations, Creating New CIP Projects and Reallocating Community Development Block Grant Corona Virus (CDBG-CV) and Emergency Shelter Grant Corona Virus (ESG-CV) Funds

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

RESOLUTION NO. 2021-122 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CONSOLIDATED PLAN, THE FISCAL YEAR (FY) 2021-22 ANNUAL ACTION PLAN AND THE FY 2021-22 CITY OPERATING BUDGET BY INCREASING/DECREASING REVENUE ESTIMATES AND APPROPRIATIONS AND REALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT CORONA VIRUS (CDBG-CV) AND EMERGENCY SHELTER GRANT CORONA VIRUS (ESG-CV) FUNDS

RESOLUTION NO. 2021-123 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2021-22 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CREATING TWO NEW CIP PROJECTS: 1) "PARK IMPROVEMENTS: ADA ACCESSIBILITY RUBBERIZED PLAYGROUND SURFACING REPLACEMENT," PROJECT NO. 428-2590-XXXXX-71074, AND APPROPRIATING \$130,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT CORONA VIRUS (CDBG-CV) FUNDS TO THE PROJECT AND 2) "PARK IMPROVEMENTS: PALOMARES PARK HVAC SYSTEM REPLACEMENT," PROJECT NO. 428-2590-XXXXX-71075, AND APPROPRIATING \$250,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT CORONA VIRUS (CDBG-CV) FUNDS TO THE PROJECT

Neighborhood Services Director Benita DeFrank advised that there were numbers inverted throughout the staff report and requested a correction be made as part of the council's motion.

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

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2021-122 and Resolution No. 2021-123 with the following corrections: Project No. 428-2590-XXXXX-71074 awarded \$250,000 and Project No. 428-2590-XXXXX-71075 awarded \$130,000.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Garcia thanked the Pomona Valley Transportation Association (PVTa) team for providing transportation to families that are experiencing hardships. She also thanked the Pomona Leadership Network for creating the De Colores event and asked if this group could be brought to the library for a show.

Mayor Sandoval also thanked the DA Center and Pomona Leadership Network for the youth events they provide.

Councilmember Nolte asked about the yard sale policy based on some of the public comment and asked if it could be revised.

Vice Mayor Torres asked for updates on the cannabis applications and an update on the speed hump study.

Mayor Sandoval asked about whether there could be a better process for street sweeping since it does not happen on every street. He asked for a cost estimate of the entire city street sweeping. He also asked for an update regarding the freeway onramp at Orange Grove.

ADJOURNMENT

The City Council Meeting reconvened to closed session at 9:25 p.m. Closed Session adjourned at 10:00 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

SEPTEMBER 20, 2021 REGULAR CITY COUNCIL MEETING
PUBLIC COMMENTS

PUBLIC PARTICIPATION

MELISSA MICHELSON – The City has violated state law and the California Public Records Act in not providing me with the information I have requested in a timely manner. It has been four weeks since someone from the City came out for my tree trimming request, and I have requested to know what was done and why, and by whom. Please expedite my request immediately. I now not only want to know the answer to my public records request of August 21 (Reference # C000644-082121), but what the hold up is from the Parks and Facilities department. Thank you.

JASON HAM – Good evening Mayor and Council. My name is Jason Ham and I was recently sworn in as a Pomona Youth Commissioner along with Ginna Escobar, our new Phillips Ranch Oversight Commissioner. I am a senior at Diamond Ranch High School. I play on the Varsity baseball team and also play the violin in the Diamond Ranch String Orchestra. I am looking forward to working with Councilman Torres, all the city commissioners and the rest of the city council to help our students feel safe in our beautiful city. I am also happy to report that my AB 1234 course is completed. I would like to thank all of you for this amazing opportunity. Thank you for your time.

DENISE DELGADO – I oppose the election of Ginna Escobar to the Phillips Ranch Assessment Committee. In the last district 5 election there was a vote of no confidence in her leadership. There was a perceived lack of transparency in her administration which caused widespread distrust by the PR community of the entire Pomona administration. Many members of the PR community have been working hard to set the record straight and regain the trust of PR homeowners. We are in the midst of trying to put a new much needed assessment increase on the ballot again. There is a good chance that we can get a consensus on an increase in the annual property tax. We can not afford to have Ginna's name attached to it because of distrust. Please reconsider this appointment.

MICHAEL MCMATH – I ask that council support and approve Councilman Torres' commission appointees. I feel his selection(s) will bring broad consensus to the city and district five, which is where I live. Councilman Torres appointee choices not only address the needs of the community, but also crosses the preverbal political aisle to strengthen and bring our community together because we are all Americans and everyone's opinion matters.

GINNA E. ESCOBAR – Good Evening Mayor, Council, and City Staff
I wanted to take this opportunity to thank Councilman Torres for his appointment to serve on the Phillips Ranch assessment oversight committee. As a home owner and vested member in the community, I look forward to working with the entire committee to provide sound and fiscally responsible recommendations to the homeowners and yourselves. I'm thankful for the vote of confidence to bring my institutional knowledge and willingness to serve my community in a different capacity. During these unprecedented times, it's

imperative to integrate Pomona's past and present leadership to help carve our beautiful city's future. I am available to meet with any of you should you need me. I would also like to congratulate the appointment of Councilman Torres' youth commissioner- Mr. Jason Ham, of District 5. Thank you for your time. Looking forward to seeing you all soon.

DEBBIE MOLITOR – This is in regards to the appointment of Ginna Escobar to the Phillips Ranch Oversight Committee. I am going to share what many of my fellow neighbors are also sharing with one additional component, which will speak to Ginna's character and the lack of trust I and many neighbors feel about Ginna. This must have been 10 plus years now, when Ginna had her dance studio in the Phillips Ranch shopping center. Her studio was fairly new and I went in to buy a gift card for my best friend. Her parents were at the front desk and ran my credit card three times for a \$100.00 gift card. I was charged \$300.00. It was a mistake for sure and I didn't notice for a couple of months. When I contacted Ginna about it, she said to send her all the info, which I did and I still have not heard back from her...I followed up with her for a while, and never got a response.

Ginna Escobar violated the Brown Act and should not be allowed to serve on this oversight committee. In 2018 it was brought to council's attention that Greentech performed landscaping work on then, Councilmember Ginna Escobar's property. There are images that actually captured the landscapers performing the work during city time. The landscapers admitted to being pulled from doing city work to do work at her property. City minutes from November 9th, 2018 attest to this. Just these two actions alone should be enough to question whether she should be allowed to serve the people of Phillips Ranch. The last election results should speak volumes!

COOK FAMILY – I respectfully request Mayor Sandoval and our City Council members to give great attention to the addition of Ginna Escobar to the committee of our current access committee's program. I feel it is totally inappropriate to honor this idea. I, as well as many, many Ranch citizens, feel it tremendously wrong. It is so unwise to have any kind of involvement with her. Many of us are aware of her unethical procedures, serving HERSELF at the expense of our city's budget. Our City officials are well aware of what I refer to. Thank you for your consideration.

AMALIA GARCIA – I am writing to you regarding the recent appointment by Robert S. Torres, of Ginna Escobar as a representative for the Phillip's Ranch Assessment. As a resident and homeowner of district 5, I do not approve or want Ginna Escobar as a representative of the Phillip's Ranch Assessment or any other government or community seat. Due to the the fact that when she was a council member she abused her position and power. She used the landscaping contractor for D5 at the time to do the lawn maintenance at the residence she occupied. The landscaping contractor is employed and paid with the assessment all D5 homeowners pay to maintain the 200+ acres of green space, not perform work at a private residence. She was basically stealing our money and using it for her personal benefit. She didn't apologize or repay the money. Also, while elections were taking place, she allowed ex-council member and now registered sex offender Rubio Gonzalez to register on www.nextdoor.com, neighborhood app as a person residing at her address so that he could communicate with D5 residents and tell

us all off. He made some uncivilized, reckless comments and accusations and maybe even a threat. Having experienced and seen the above mentioned situations, I ask for you to negate this appointment immediately. Her previous actions speak of her character and lack of integrity. She has no credibility with me. She is not a public servant! Thank you for your time.

PRISCILLA KANNAPEL – My name is Priscilla Kannapel and I am a resident of Pomona. I had a legal yard sale this last week end, in spite of the oppressive heat both buyers and sellers experienced. I am hopeful, something can be done to address, what as we sellers can legally do when the heat is excessive, such as last weekend. But, I have another concern about the actual months in which we are allowed to have legal yard sales. Currently, we are holding the yard sales in March, June, September and December, which use to coincide with the “traditional school calendar,” this is no longer the case. Now, school starts in August and ends in May, which effects when families take summer vacations and in turn, effects our potential customers, especially our June date. Also, having to get ready for a yard sale in December when things are frantic enough with 2 main holidays, is another impact on both sellers and buyers. I hope the City Council and Legal Council, will consider amending the yard sale city code to the following months for future yard sale dates in Pomona, February, May, August, and November. Thank you.

IDA WEIL – My name is Ida Weil and I am a resident of Pomona. Having had a legal yard sale this last weekend, in spite of the “excessive heat warnings’ that had been issued by the Weather Service for Wednesday thru Sunday of that week, my neighbor and I went ahead with our yard sale, because that was the only option we had for a legal yard sale in the City of Pomona. We realized that we were putting our health at risk and I’m sorry to say, those of our customers. For this reason, I would like the City Council to consider an additional exception to City Code Article XII, Section 39-753 – Time Limits of our yard sales. We make an exception for rain and let it be rescheduled for the following weekend, I would like the same exception to apply when an “excessive heat warning” is issued by the Weather Service for our legal yard sale dates. This would have given us a “legal” option to use the following weekend. To hold a yard sale in the extreme heat we experienced last weekend, is dangerous for both sellers and buyers. Thank you.

CYNTHIA MARINO – Good Evening, Mayor Sandoval and Council.

I would like to start by thanking most of you for your hard work, time, dedication, and well intentions for the city of Pomona! Unfortunately, what I have to say is not very pleasant, in fact quite the contrary. I am completely opposed to Councilmember Robert Torres' appointee, (Ginna E. Escobar) to District 5's, Oversight Committee. The oversight committee was created due to the Ex-Councilmember's negligence during her 8 years. On September 1st, one of Councilmember Torres' post started circulating social media. The post is a picture of him and Ginna Escobar in front of city hall and it reads, "I'm proud to appointment former Councilwoman Ginna Escobar as my representative on the Phillips Ranch Assessment District. She is a homeowner and businesswoman with a lot of great city experience. I'm thankful she is taking time out of her busy day to help keep Phillips Ranch looking beautiful." I urge the council to please reconsider Robert Torres' appointee, and not allow this to happen. Phillips Ranch residents have lost confidence in our city government. Our city council needs to take steps to repair this lost confidence,

instead of giving another reason to distrust our city government. Mayor Sandoval, is it possible to put this item on the consent calendar and have council vote on it? The following is a Fact not my opinion: Ginna Escobar was in direct violation of the Brown Act and should not be allowed to serve on this oversight committee. In 2018, through Public Comment at a City Council Meeting (that Robert Torres was present) it was brought to council's attention that Greentech (Phillips Ranch former landscaper) was performing landscaping work on former Councilmember Ginna Escobar's property. Copies of images capturing the landscapers performing this work during city time were provided to the City Clerk. Also, the landscapers admitted to being pulled from doing city work to do work at her property. This is public record found on the city minutes from November 9th, 2018. Robert Torres is not looking out for the best interest of Phillips Ranch.

To the residents of Pomona, in this case specifically Phillips Ranch residents I would like to encourage you to:

1. Pay attention to what's going on in our city.
2. Remember, there is a reason why we voted Former Councilmember Ginna Escobar out. What was your reason? This was definitely one of my many reasons why Ginna Escobar did not have my vote!

Knowing about the Brown Act Violation and Appointing Ginna Escobar to sit on the Phillips Ranch Oversight Committee is a slap on our face and ill willed on Councilmember Torres' part. What is your message councilmember Torres? Don't you care about the Brown Act or Ginna Escobar's violations? Don't Answer that, you already have Loud and Clear! Thank you, council for listening!

DISCUSSION ITEM NO. 29 (Approval of the City of Pomona's Expenditure Plan for the Coronavirus State and Local Fiscal Recovery American Rescue Plan (ARP) Funds Allocated from the United States Federal Government Department of Treasury

JOHN CLIFFORD – There seems to be some concern about the disbursement plan presented for the Federal ARP funding to the city. The proposal as I understand it, allows the elected councilmembers from each of the districts, and the mayor representing the city as a whole, to set priorities and recommend projects for a portion of this funding (\$6 million of the over \$43 million appropriated). The majority of the funding is to be spent in accordance with projects defined by city staff and council as important for the goals of the funding. I've read community comments that this is nothing more than pork for the council. That it will allow them to curry political favor of supporters. At least this funding has to meet the requirements that ALL the funding be used per the criteria of the funding guidelines. If the funding is not prioritized and allocated by the councilmembers, who does it? That would be city staff. I don't know about you, but I've never voted for a single city staff person. Senior city staff, city manager, assistant city managers, city clerk, etc., do not reside in our city. I maintain that ELECTED councilmembers have a little better handle on the needs of our neighborhoods. The funding is here. The question is WHO will determine how it's spent? The vote tonight is to entrust the decision making to ELECTED resident council/mayor, or to NON-ELECTED, non-resident, city staff. City staff are good, professionals who have a singular view of the city from the standpoint of

operations and efficiencies, for which they do a pretty good job. Community members have a view of what WE feel is needed. Tonight you will decide. I tend to favor the people that I've voted to represent us. Thank you.