

City of Pomona

*505 South Garey Avenue
Pomona, CA 91766*



Meeting Minutes - Final

Monday, March 20, 2017

6:45 PM

Council Chambers

City Council

5:30 P.M.

CLOSED SESSIONS

ROLL CALL

PRESENT: Mayor Sandoval, Vice Mayor Robledo (arrived at 5:50p.m.), and Councilmembers Gonzalez, Carrizosa, Ontiveros-Cole, Escobar, and Torres.

Public Comment:

- A. **CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION** (Pursuant to Government Code Section 54956.9(d)(1))

Ernesto Palacios v. City of Pomona; WC Cases ADJs 4274974, 863248 and 4403710

Vladimir Diaz v. City of Pomona; WC Case ADJ 9182420

Shaun Diamond v. City of Pomona; WC Case ADJ 9947848

- B. **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Two matters regarding possible litigation to be initiated will be discussed (Pursuant to Government Code Section 54956.9(d)(4))

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

Part Time Unrepresented Employees
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: Linda Lowry and Linda Matthews

6:45 P.M.

CALL TO ORDER

The meeting was called to order at 6:57p.m.

ROLL CALL

Present: 7 - Mayor Tim Sandoval
Council Member Rubio Gonzalez
Council Member Adriana Robledo
Council Member Cristina Carrizosa
Council Member Elizabeth Ontiveros-Cole
Council Member Ginna E. Escobar
Council Member Robert Torres

STAFF PRESENT: Linda Lowry, City Manager
Andrew Jared, Assistant City Attorney
Eva M. Buice, MMC, City Clerk
Candice Alvarez, CMC, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Councilmember Ontiveros-Cole led the Pledge of Allegiance to the Flag.

CITY ATTORNEY REPORT ON CLOSED SESSION DISCUSSIONS

Assistant City Attorney Jared stated that the City Council convened into Closed Session at 5:40p.m. and that the items listed on the agenda had been announced prior to recessing into Closed Session and reported the following:

Item A-1: A briefing was provided and direction was given; however, no final action was taken and there is nothing further to report.

Item A-2: A briefing was provided and direction was given; however, no final action was taken and there is nothing further to report.

Item A-3: A briefing was provided and direction was given; however, no final action was taken and there is nothing further to report.

Item B: Both matters were discussed and direction was given; however, no final action was taken and there is nothing further to report.

Item C: This item was discussed and direction was given; however, no final action was taken and there is nothing further to report.

The City Council recessed from Closed Session at 6:50p.m.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Escobar expressed gratitude to those who participated in the District 5 Spring Cleanup at Westmont Park; and informed that on Thursday, March 23, 2017 and Friday, March 24, 2017, she will be attending the first of 15 conferences hosted by Water Education for Latino Leaders, which are being paid for out of a grant she was awarded.

Vice Mayor Robledo expressed gratitude to Mayor Sandoval and Councilmember Ontiveros-Cole for participating in the Citywide Community Cleanup on Saturday, March 18, 2017.

Councilmember Ontiveros-Cole spoke on her participation in the Citywide Community Cleanup.

Councilmember Torres spoke on the Citywide Community Cleanup; summarized the discussion of a Willie White Neighborhood Watch meeting; and inquired and Assistant City Attorney Jared explained a Participation Agreement between the Fairplex Association and the Redevelopment Agency and informed that the item will be on the next Agenda.

Councilmember Carrizosa also requested information regarding the Participation Agreement with the

Fairplex Association; expressed gratitude to the Mayor for organizing the Citywide Community Cleanup; expressed appreciation to Finance Director Jones and Neighborhood Services Director DeFrank for attending the District 3 Community Meeting at which they provided information regarding the City's budget and homelessness.

Councilmember Gonzalez spoke on the Citywide Community Cleanup and the District 3 Community Meeting; and informed that he attended baseball Opening Ceremonies.

Vice Mayor Robledo announced upcoming Community Meetings in District 5 on March 22, District 4 on March 27, District 2 on March 30, and District 6 on April 5.

Mayor Sandoval spoke on his attendance at the baseball Opening Ceremonies; informed that he met with Assemblymember Rodriguez, Senator Leyva, Police Chief Capraro, and City Manager Lowry to discuss ensuring that the City of Pomona is informed of resources as they become available; and advised that he attended the 70th Anniversary event at Macedonia Baptist Church.

CITY MANAGER COMMUNICATIONS

City Manager Lowry requested and the City Council conceded to add Item No. 7A, review proposed wording for the remaining Ganesha Park Wood Carving Plaque and Dedication Ceremony, to the Discussion Calendar.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0 to add Agenda Item No. 7A, review proposed wording for the remaining Ganesha Park Wood Carving Plaque and Dedication Ceremony, to the Discussion Calendar.

PUBLIC PARTICIPATION

Douglas Pierce, Pomona, expressed concerns regarding street sweeping near San Antonio and Monterey Avenues; and spoke on his former property.

Christopher Kim, expressed gratitude to the Mayor, Councilmembers Gonzalez and Ontiveros-Cole, and Police Chief Capraro; and spoke on the cannabis industry noting that several cities are working to regulate the cannabis industry.

Judith St. John, Pomona, expressed concern that the Fairplex has not paid the City a portion of its net profit since 2010 which was part of a Participation Agreement entered into between the Fairplex Association and the Redevelopment Agency in 1990; and urged the City to initiate an investigation into the matter.

Mayor Sandoval referred Ms. St. John to speak with Finance Director Jones.

Megan Corinne Samaniego, Cal Poly Pomona Center for Community Engagement, shared goals of a District 1 Community Cleanup Day which was held at Kennedy Park; announced that the next Community Cleanup Day will be on Earth Day, April 22, 2017 from 9:30a.m.-1:30p.m. in partnership with Councilmember Torres; and informed that a planning meeting will be held on March 28, 2017.

Adriana Pinedo, Pomona, invited the City Council and audience to assist in Pomona Beautification Day which will be held on Saturday, May 13, 2017; requested that Councilmembers submit potential projects; and announced that the next Beautification Day planning meeting will be held at Pomona First Baptist Church on Monday, March 27, 2017 at 3:00p.m.

Councilmember Carrizosa suggested painting fire hydrants throughout the City.

Connie Almagaer, Pomona, announced the 25th Annual Pow Wow Friday, April 28, 2017 - Sunday, April 30, 2017 at Tony Cerda Park; and requested that donations be made prior to April 1, 2017.

Mayor Sandoval explained that the Pomona Unified School District received a Golden Bell award for its outstanding work with Pomona's Promise and how it is changing locations every day, noting that it's current location is in the Council Chambers.

Councilmember Ontiveros-Cole suggested that painting curbs and cleaning alleys be considered for Pomona Beautification Day.

Deyci Pecoraro, Willie White Neighborhood Watch, informed that drug dealers and distributors have been using trash bins to exchange drugs and money; and requested that the City Council amend the City and Zoning Codes to require that trash bins be kept behind gates and out of public view.

CONSENT CALENDAR

MOTION BY VICE MAYOR ROBLEDO, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0 to approve the Consent Calendar with Agenda Item No. 5 being pulled for discussion.

1. The City Council adopted a Resolution establishing the order of appointment of Vice Mayor and selecting and designating District 5 Councilmember, Ginna E. Escobar, as Vice Mayor

RESOLUTION NO. 2017-33

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 5 COUNCILMEMBER, GINNA E. ESCOBAR AS VICE MAYOR

The City Council approved the Consent Calendar.

2. The Successor Agency adopted a Resolution approving a Second Amendment to the Agreement of Purchase and Sale with LVD Rio Rancho III, LLC for the sale of Successor Agency property known as Lot 8 of the former Pomona Auto Center, Pomona, California (APN's 8344-024-935 and 938) - Council District 2

RESOLUTION NO. SA 2017-4

A RESOLUTION OF THE CITY COUNCIL, SITTING AS THE SUCCESSOR AGENCY OF THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF POMONA, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE AGREEMENT OF PURCHASE AND SALE WITH LVD RIO RANCHO III, LLC FOR THE SALE OF SUCCESSOR AGENCY PROPERTY KNOWN AS LOT 8 OF THE FORMER POMONA AUTO CENTER, POMONA, CALIFORNIA (APN'S 8344-024-035 AND -938)

The City Council approved the Consent Calendar.

3. The City Council approved a sole source contract to Mobile Specialty Vehicles for the complete refurbishment of the Police Department's Mobile Incident Command Center (MICC) in an amount not to exceed \$145,000

The City Council approved the Consent Calendar.

4. The City Council adopted a Resolution amending the Fiscal Year 2016-17 Capital Improvement Program (CIP) Budget by closing completed/cancelled projects and unappropriating unexpended funds

RESOLUTION NO. 2017-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY CLOSING COMPLETED/CANCELLED PROJECTS AND UNAPPROPRIATING UNEXPENDED FUNDS

The City Council approved the Consent Calendar.

5. The City Council adopted a Resolution approving a Youth Employment Plan Agreement with California Conservation Corps - Pomona Center (CCC) for work to be completed on CIP Projects at Esperanza y Alegría Park, Phillips Paw Park, and Ganesha Park - Tree Grove

RESOLUTION NO. 2017-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING A YOUTH EMPLOYMENT PLAN AGREEMENT WITH CALIFORNIA CONSERVATION CORPS - POMONA CENTER (CCC) FOR WORK ON CAPITAL IMPROVEMENT PROJECTS: ESPERANZA Y ALEGRÍA PARK (FORMERLY ANGELA/CHANSOR - NEW POCKET PARK), PROJECT NO. 428-2590-XXXXX-71029; PHILLIPS PAW PARK (FORMERLY PHILLIPS RANCH PARK - DOG PARK), PROJECT NO. 428-2590-XXXXX-71033; GANESHA PARK - TREE GROVE, PROJECT NO.

428-2590-XXXXX-71034; AND AUTHORIZING THE CITY MANAGER TO SIGN A SPONSOR AGREEMENT (CCC-96) ON BEHALF OF THE CITY

This item was pulled from the Consent Calendar for discussion.

6. The City Council adopted a Resolution amending the Fiscal Year 2016-17 Sewer Operating Budgets by appropriating \$321,655 of available sewer fund balance and approved the purchase of sewer Closed Circuit Television (CCTV) inspection system from Haaker Equipment Company in the amount of \$321,655

RESOLUTION NO. 2017-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2016-17 SEWER OPERATING BUDGETS BY APPROPRIATING \$321,655 OF AVAILABLE SEWER FUND BALANCE

The City Council approved the Consent Calendar.

ITEM PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION

5. The City Council adopted a Resolution approving a Youth Employment Plan Agreement with California Conservation Corps - Pomona Center (CCC) for work to be completed on CIP Projects at Esperanza y Alegría Park, Phillips Paw Park, and Ganesha Park - Tree Grove

RESOLUTION NO. 2017-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING A YOUTH EMPLOYMENT PLAN AGREEMENT WITH CALIFORNIA CONSERVATION CORPS - POMONA CENTER (CCC) FOR WORK ON CAPITAL IMPROVEMENT PROJECTS: ESPERANZA Y ALEGRÍA PARK (FORMERLY ANGELA/CHANSOR - NEW POCKET PARK), PROJECT NO. 428-2590-XXXXX-71029; PHILLIPS PAW PARK (FORMERLY PHILLIPS RANCH PARK - DOG PARK), PROJECT NO. 428-2590-XXXXX-71033; GANESHA PARK - TREE GROVE, PROJECT NO. 428-2590-XXXXX-71034; AND AUTHORIZING THE CITY MANAGER TO SIGN A SPONSOR AGREEMENT (CCC-96) ON BEHALF OF THE CITY

Councilmember Carrizosa inquired and Public Works Director McWade informed that the City cannot mandate the California Conservation Corps to employ youth who live near the project sites but noted that they are cooperative and may oblige.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7-0.

Aye: 7 - Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Torres

DISCUSSION CALENDAR

7. Approve Findings of Public Benefit to the Community at Large for Recommended Expenditures

CURRENT REQUESTS:

- A) Amount to be determined to the Latino/a Roundtable in support of their 13th Annual Cesar E. Chavez Breakfast Fundraiser - Amount requested: TBD
- B) Amount to be determined to Pony United Youth Baseball League in support of their

2017 Opening and Closing Ceremonies - Amount requested: \$1,000

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0.

Aye: 7 - Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Torres

7A. Review proposed wording for the remaining Ganesha Park Wood Carving Plaque and Dedication Ceremony

Councilmember Gonzalez explained how the language came to fruition and noted that the highlighted version was created following discussions with various individuals and the Cultural Arts Commission; and stated that he will recuse himself from voting on the item because he feels he is too intimately involved.

The following submitted speaker cards in support of the Ganesha Park Dedication Plaque but did not wish to speak:

Louie J. Cerda
Connie Almaguer
Maria Diaz
Carlos Diaz
Samuel Rodriguez
Hector Munoz
Javier Jesse Pimentel
Tony Cerda Jr.
Carla Ippoliti
Zachary Daniel Ippoliti
Christianne Ippoliti
Diane Brockman
Lida Cerda Yamas
Ion Puschica
Melissa Ayala
Maura Ayala

Dennis Jones, stated that tribal language was not written and that it was passed down orally; noted that Pomona's local history is rich; and explained that the dedication will not make up for historical injustices.

Andy Salas, expressed issues with some of the proposed language; and stated that his goal is to ensure that history is properly represented by recognizing the Kizh Nation as the original settlers of the area.

Pete Jose Melendez, urged the City Council to respect the land and the people who first settled here.

Victoria Jones, expressed support for the Kizh Nation; stated that the City Council is responsible for ensuring that they have all of the facts in order to make the right decision; and suggested that the City Council consult with members of the Kizh Nation to ensure that history is properly represented.

Henry Pedregon, congratulated the City Council for recognizing the Kizh tribe; and noted that native

boundaries are distinct.

Dr. E. Gary Sticke, explained that his research has been recognized and verified by the Smithsonian; expressed concern that the word "tribes" was used for the plaque but only one tribe settled in the area; and supported statements that the Kizh Nation settled in areas throughout portions of five different Counties.

Donna Otero, expressed opposition to naming specific tribes; and requested that the City Council respect the first settlers of the area.

Dee Dee Ybarra, expressed opposition to naming a second tribe on the same plaque; and stated that only the first settlers should be indicated on the plaque.

Debra Martin, informed that the wood carvings are complete; invited residents and visitors to go on the walking tour to enjoy and appreciate the healing spirit of the art; and suggested that the City Council work with the various tribes to identify language that is acceptable to everyone.

Brenda Cerda Munoz, urged the City Council to research the tribal history of the City of Pomona.

Julia Bogany, encouraged the City Council to honor her ancestors and future generations and to have respect for others.

Tony Cerda, expressed support for the proposed language because its intent is to bring tribes together; and opined that any concerns regarding the language should have been settled prior to being provided to the City Council for approval.

Olga Gomez, expressed desire for the tribes to come together in unity; and requested that the City Council respect the local tribes.

Gayle Claiborne, Soroptimist International, informed that the Redwood Grove was conceived during 1971-1972 as a special project to celebrate the 50th anniversary of the founding of Soroptimist International, noting that 50 trees were planted; informed that the Club has provided a majority of improvements to and care for the Redwood Grove; advised that several trees have become diseased and died and expressed appreciation that the trees have been transformed into pieces of art.

Al Villanueva, expressed support for identifying the correct history of the land; and encouraged the City Council to identify language that is inclusive rather than specify a single tribe.

Councilmember Robledo expressed the importance of finalizing the language for the plaque so that it can be completed prior to the dedication ceremony; stated that it will be difficult to distinguish verbiage that will be acceptable to everyone; and urged the City Council to identify language to be read during the ceremony whether it be temporary or permanent.

Councilmember Torres expressed support for identifying temporary language until permanent language can be identified; and inquired why Councilmember Gonzalez can participate in the discussion if he is recusing himself.

Assistant City Attorney Jared noted that there is nothing in the Ethics Code or State Law that would prohibit Councilmember Gonzalez from participating in or voting on the item and that Councilmember Gonzalez expressed his personal opinion that he didn't feel comfortable voting on the item; explained that an abstention would be more appropriate than a recusal and explained the difference between a

recusal and an abstention.

Councilmember Carrizosa interpreted that the majority of the speakers would like to honor the Kizh Nation as the original settlers of the area; expressed appreciation for the desire to ensure that the information is historically correct; and opined that the language on the plaque should be inclusive.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY MAYOR SANDOVAL to approve temporary language of "In Honor of the original settlers of this land" to be presented at the dedication ceremony and create a 7-member Committee made up of three members of the Cerda Tribe and three members of the Kizh Nation (Julia Bogany, Al Villanueva, Tony Cerda, Ernie Salas, Andrew Salas, and Donna Otero), and Mayor Sandoval to recommend final language for the permanent plaque.

Councilmember Torres inquired how long it will take to determine final language for the plaque.

Mayor Sandoval explained that the plaque is a symbol of coming together.

Councilmember Ontiveros-Cole expressed support for approving temporary language until permanent language can be agreed upon; and stressed the importance of everyone agreeing on the permanent language.

Councilmember Escobar encouraged the City Council to thoroughly consider the item; stated that parks are a staple of the City of Pomona community; and expressed support for the motion.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ESCOBAR, CARRIED 7-0 to table the motion.

PUBLIC HEARING

8. The City Council conducted a Public Hearing regarding the Vacation of a portion of Gordon Street located between Second and Third Streets and the adjacent public alleys located North of Third Street between Park Avenue and Main Street, Vacation No. V-316, and adopted a Resolution ordering Vacation No. V-316 (Council Districts 1 and 2)

RESOLUTION NO. 2017-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF GORDON STREET LOCATED BETWEEN SECOND AND THIRD STREETS AND THE ADJACENT PUBLIC ALLEYS LOCATED NORTH OF THIRD STREET, BETWEEN PARK AVENUE AND MAIN STREET (VACATION NO. V-316)

MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to open the Public Hearing.

MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to close the Public Hearing.

MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0.

Aye: 7 - Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Torres

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Carrizosa requested an item on an agenda to discuss the Corridor Specific Plan to review the City Council's and Planning Commission's authority to review plans submitted by developers.

Mayor Sandoval suggested that a Study Session be held on Monday, April 24, 2017 at 7:00p.m. to discuss the Corridor Specific Plan as well as the cannabis industry and the City's regulations on medical marijuana.

MEETING RECESSED

The City Council recessed at 9:45p.m.

MEETING RECONVENED

The City Council reconvened the meeting at 9:46p.m.

DISCUSSION CALENDAR (Continued)

- 7A.** Review proposed wording for the remaining Ganesha Park Wood Carving Plaque and Dedication Ceremony

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY MAYOR SANDOVAL, CARRIED 7-0 to approve temporary language of "In Honor of the original settlers of this land" to be presented at the dedication ceremony and create a 7-member Committee made up of three members of the Cerda Tribe and three members of the Kizh Nation (Julia Bogany, Al Villanueva, Tony Cerda, Ernie Salas, Andrew Salas, and Donna Otero), and Mayor Sandoval to recommend final language for the permanent plaque.

Aye: 7 - Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Torres

MATTERS INITIATED BY CITY COUNCILMEMBERS (Continued)

Councilmember Ontiveros-Cole requested that an item be placed on the next Agenda to discuss a collaboration with the California Conservation Corps, SGVCC, and South Bay to work towards cleaning up the City and announced a District 4 Community Meeting on Wednesday, March 22, 2017 at 6:30p.m. at Garfield Community Center.

Vice Mayor Escobar reminded Public Works Staff to turn off sprinklers on rainy days and announced a District 5 Community Meeting on Wednesday, March 22, 2017 at 6:30p.m. at Decker Elementary School.

Councilmember Gonzalez requested that Staff brief and update the City Council during Closed Session regarding Mr. Pierce's comments.

Mayor Sandoval proposed that a Resolution be brought back to change the City Council meeting open session start time from 6:45p.m. to 7:00p.m.

ADJOURNMENT

The meeting adjourned at 9:59p.m.

The next Regular Meeting will be held on Monday, April 3, 2017 at 5:30 p.m. in the City Council Chambers, 505 S. Garey Avenue, Pomona, California. Closed Session items will be discussed at 5:30 p.m. The Open Session will commence at 6:45 p.m.