



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

Meeting Minutes

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

Mayor Tim Sandoval
Councilmember Rubio R. Gonzalez
Vice Mayor Victor Preciado
Councilmember Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert S. Torres

VISION STATEMENT

*Pomona will be recognized as a vibrant, safe, beautiful
community that is a fun and exciting destination and the home of
arts and artists, students and scholars, business and industry.*

Monday, November 4, 2019

7:00 PM

Council Chambers

5:30 P.M. City Council Conference Room

CLOSED SESSION

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

Inland Valley Humane Society v. City of Pomona

L.A. County Superior Court; Case No. BC599074

B. PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code Section
54957(b)(1))

City Manager

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

One matter regarding exposure to litigation will be discussed (Pursuant to
Government Code Section 54956.9 (d)(2))

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

Interim City Attorney Sonia Carvalho reported that the City Council had convened into Closed Session at 5:30 p.m. with all members present and that the items listed on the agenda had been announced prior to recessing into Closed Session with no public present.

Ms. Carvalho reported there was discussion on all three items on the Closed Session Agenda and there were no reportable actions on any item.

7:00 P.M. Council Chambers

CALL TO ORDER

The City Council Meeting was called to order at 7:00 p.m.

ROLL CALL

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

STAFF PRESENT:

Linda Lowry, City Manager
Sonia Carvalho, City Attorney
Rosalia Butler, City Clerk
Karla Shipman, Deputy City Clerk

PLEDGE OF ALLEGIANCE

A Pomona Veteran led the Pledge of Allegiance.

PRESENTATIONS

A. Certificate of Recognition to Pomona Veteran(s)

The Mayor and Councilmembers recognized veteran Raymond Correa

- B. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming the Month of November 2019 as "National Gratitude Month" in the City of Pomona

A banner was unveiled that will be hung on the Garey overpass bridge.

- C. Review of Policy and Procedures for Street Sweeping Signage

Rene Guerrero, Public Works Director, gave a presentation.

- D. Presentation from Pomona Chamber of Commerce

Monique Manzanares gave a presentation.

MAYOR/COUNCILMEMBER COMMUNICATIONS

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

All councilmembers attended various City functions including the Wallflower Mural dedication at City Hall, Pomona Valley Hospital Singing for Survivors event at the Fox Theater, town hall meetings, greenbelt tree planting in District 5, a Dia de los Muertos event hosted by Connie Leyva and MLK Park clean-up.

The Council encouraged residents to attend Santa Cop Pancake Breakfast on November 6 and various upcoming community meetings and Christmas toy drives.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry reported an error on the staff report for Item 2 and reported that the draft ordinance for Item 10A had edited language not previously provided to the Council and the public.

Police Chief Oliveri spoke at the podium to report on the Police Department's Pink Patch Project. The Chief reported that \$20,000 was raised and donated to Pomona Valley Hospital.

PUBLIC PARTICIPATION

Deborah Clifford spoke on the history of a Spadra couple with the last name Vejar.

Ish Arias spoke about the upcoming Pomona Christmas Parade and provided flyers advertising the event.

Afton Germany spoke on the need for social equity in the commercial cannabis process.

Neel Garlapati, Fairplex, spoke on upcoming events at the Fairplex including the Tropical Music Festival and NHRA finals.

Howard Hernandez thanked the council for their assistance with cleaning up the damage at the American Legion building and spoke on the re-dedication of the LA Memorial Coliseum.

Javier Flores spoke on an incident with the police and the need for a Police Commission.

Eunice Russell clarified comments made at the last council meeting regarding the Charter Review process

Andy Salas, Kizh Nation, spoke on his concerns with the symbols in the mural at Tony Cerda Park and requested its removal.

Jim Sanbrano spoke on the need to revisit the Police Commission item and the Charter Review Commission item.

Pete Jose Melendez, Sam Escobar, Dee Dee Ybarra and Vince Carpio spoke on concerns with the mural at Tony Cerda Park and requested its removal.

Mike Suarez spoke on the need for police oversight.

Linda Rudenauer and Pete Garcia reported on Pomona Beautiful and their clean-up of Ganesha Park.

Brenda Cerda Munoz thanked the council for the Tony Cerda Park event.

Connie Almaguer spoke on the mural at Tony Cerda Park and thought that it improved the look of the park and got many residents involved in creating it.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the entire Consent Calendar except for Item 7 which was voted on in a separate motion.

1. Approval of City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes

It is recommended that the City Council approve the following City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes:

December 17, 2018 Meeting Minutes

October 7, 2019 Meeting Minutes

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the meeting minutes of December 17, 2018 and October 7, 2019

2. Fairplex Mitigation Fund Advisory Committee Bylaws

It is recommended that the City Council review and approve the Fairplex Mitigation Fund Advisory Committee Bylaws.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve the Fairplex Mitigation Fund Advisory Committee Bylaws

3. Approval of Parcel Map PM No. 74582 for the Property Located at 2771 N. Garey Avenue, Pomona, CA, Assessor Parcel Number 8371-011-026, Related to the Subdivision of One Parcel into Two Numbered Lots and Two Lettered Lots for the Santa Fe Residential and Mixed-Use Development (Council District 6)

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

1) Adopt the following resolution:

RESOLUTION NO. 2019-177--A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING PARCEL MAP PM 74582 FOR THE PROPERTY LOCATED AT 2771 N. GAREY AVENUE, ASSESSOR PARCEL NUMBER 8371-011-026

2) Authorize the City Engineer to sign the Parcel Map PM 74582 on behalf of the City.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-177

4. Award of a Sole Source Contract to the Weed Hazard and Pest Management Bureau of the Los Angeles County Department of Agricultural Commissioner Weights and Measures for Required Weed Abatement

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

1) Award a sole source contract to the Weed Hazard and Pest Management Bureau of the Los Angeles County Department of Agricultural Commissioner - Weights and Measures to clear grass, weeds, and/or brush in compliance with the Los Angeles County Fire Code for the attached parcels; and

2) Authorize the City Manager to execute the Letter of Authorization.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to award a sole source contract to the Weed Hazard and Pest Management Bureau of the Los Angeles County Department of Agricultural Commissioner Weights and Measures.

5. Acceptance of \$4,000,000 in Lead Hazard Reduction Grant Funds and \$600,000 in Healthy Homes Supplement; Amendment of the FY 2019-20 Operating Budget to Increase Revenue Estimates and Appropriate \$4,000,000 in Federal Funds for the Lead Hazard Control Program and \$600,000 for the Healthy Homes Program

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-174

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING \$4,000,000 IN LEAD HAZARD REDUCTION GRANT FUNDS AND \$600,000 IN HEALTHY HOMES SUPPLEMENT; AMENDING THE FY 2019-20 OPERATING BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATE \$4,000,000 IN FEDERAL FUNDS FOR THE LEAD HAZARD CONTROL PROGRAM AND \$600,000 FOR THE HEALTHY HOMES PROGRAM

- 2) Amend the Professional Services Agreement with "Housing Programs" as the Lead Consultant for the City's various housing rehabilitation programs, by increasing funding by \$354,900; and
- 3) Amend the Professional Services Agreement with Barr & Clark, Inc. for Lead Inspector and Risk Assessor Services, by increasing funding by \$170,720 and by extending the term of the Agreement by two additional one-year terms; and
- 4) Authorize the City Manager or her designee to negotiate and execute all related documents to receive the grant funds and implement the funded activities; and to execute the amendments to the professional services agreements, subject to review by the City Attorney's Office.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-174

6. Authorization to Submit an Application for, and Receipt of, State Planning Grant Program Funds

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

RESOLUTION NO. 2019-176

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA,
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SENATE BILL 2 GRANTS
PROGRAM FUNDS**

**MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER
ONTIVEROS-COLE, CARRIED 7-0, to adopt Resolution No. 2019-176**

**Item 10A was moved up to be heard at this time at the request of Mayor
Sandoval.**

**10A. Adoption of an Uncodified Urgency Ordinance No. 4275 Enacting Rules and
Regulations to Temporarily Prohibit No-Fault Evictions through December 31, 2019,
for Residential Real Property Built Prior to January 1, 2005**

It is recommended that the City Council adopt an Uncodified Urgency Ordinance

URGENCY ORDINANCE NO. 4275

**AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF POMONA ENACTING RULES AND REGULATIONS TO TEMPORARILY
PROHIBIT NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019, FOR
RESIDENTIAL REAL PROPERTY BUILT PRIOR TO JANUARY 1, 2005**

Kirk Pelser, Deputy City Manager, gave the presentation for the item. Linda Lowry, City Manager went over the edits to the ordinance language that would mirror the language in SB 1482.

During public comment on this item, the fire alarm was pulled accidentally. The meeting was paused at 8:55 p.m. and was called back to order at 9:14 p.m.

Speaker cards submitted in support of the ordinance but did not wish to speak or did not appear when called:

Andrea Edwards
Fernando Romero
Jesus Sanchez
Bricieda Gabriel
Chantal Avila
Saturino Rosas
Marcelina Rios

Francisco Lua
Alejandro Aguiar
Ignacio Ramirez
Linda Hinojos
Anel Hernandez
Maria Flores
Yolanda Gallegos

George Parker	John Nolte
Daniela Alvarenga	Cristina Argueta
Tania Garcia	David Alvarado
Cristina Velasco	Virginia Villalazo
Jesus Ramirez	Lidia Robinson
Pedro Sisay	Evelia Rocha
Ion Puschila	Beatriz Sanchez
Maritza Escobedo	

The following speakers all supported the ordinance and spoke on the topics of unfair landlords and rent increases, unfair evictions, stress on children when they have to move after being evicted and increased homeless issue if people are evicted:

Jose Diaz	Hanan Gibani
Benjamin Wood	Jenny Duran
Norma Duran	Guadalupe Becerra
Alondra Marin	Nataya Palacio
Samantha Salvador	Maria Toscano
Ana Amaro	Miranda Sheffield
Yesenia Meza	Justin Diaz
Precious Lopez	

Several Councilmembers spoke in support of the urgency ordinance.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED 7-0, to adopt Urgency Ordinance No. 4275 with the edits to language as explained by the city manager.

Item 11 was moved up to be heard at this time at the request of Mayor Sandoval.

11. Introduction and First Reading of an Ordinance Adopting the Cannabis Overlay Program in the City of Pomona

It is recommended that the City Council open the public hearing and after receiving testimony and public comment, close the public hearing and introduce and waive further reading of the following ordinance:

ORDINANCE NO. 4273

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A COMMERCIAL CANNABIS PERMIT PROGRAM OVERLAY DISTRICT

Anita Gutierrez, Development Services Director, and Ata Khan, Senior Planner, gave the presentation on this item.

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to open the Public Hearing

Paul Wheeler opposed the ordinance and spoke on his concerns with crime near cannabis stores.

John Wilson, La Verne resident, opposed the ordinance and spoke on concern with safety and property values in his neighborhood.

Darrell Kruse opposed the ordinance because he stated the big business of cannabis will take over the process and the smaller business owners will have no chance to be selected.

Stefanos Kosnides, owner of Mr. D's Diner, supported the ordinance and stated these businesses are required to have security and will bring money into the City.

Matthew Nathaniel from the Shryne Group supported the ordinance and spoke on his company's track record of safety and sustainability.

Eunice Russell supported the ordinance and spoke on the importance of checking into the sensitive use areas on the maps because some businesses are not actually licensed, therefore, there should be no designation as a sensitive use area.

Jeff Schenkel, editor of La Nueva Voz, supported the ordinance and expressed support for the Mr. D's business owners to sell their property to a cannabis business.

Bill Kaufman from the Medmen group supported the ordinance and spoke on the investment his company makes into making their cannabis business safe and successful.

Haleema Shaikley opposed the ordinance and expressed concerns about the area where the City of Knowledge and Islamic Center of Claremont are located. She had concerns about all the children that walk to worship centers in this area.

Marcello Dageta supported the ordinance and spoke on people's desire to use cannabis recreationally. He also stated that cannabis business owners need the chance to succeed so businesses should not be located in bad areas.

Joseph Aldin opposed the ordinance and stated that there is increased crime and theft near the current cannabis businesses.

Abe Abdulla supported the ordinance and stated security protocols would keep incidents down.

Melanie Moss asked a question about whether the Gillette location was still on the map.

Brenda Hamlett, principal at Sumner Elementary, opposed the ordinance and spoke on her concerns with a cannabis business going in the Mr. D's location since it is so close to where her students walk to and from school.

Jim Sanbrano opposed the ordinance and spoke on environmental concerns and water shortage.

Yafa Basem Aweinot opposed the ordinance and spoke on his concerns with the area near the City of Knowledge and Islamic Center of Claremont.

Brian Kolodny supported the ordinance and spoke on the many positive uses of the cannabis plant.

Javier Flores opposed the ordinance because he believes it will bring trouble.

Douglas Murray supported the ordinance because he has researched cannabis companies and he can see the good that these companies can bring.

Mahmoud Khan opposed the ordinance and expressed his concern with locations on Foothill because of the proximity to schools.

Bernard Roberts opposed the ordinance and expressed concern about the smell and property values in his neighborhood.

Gabriel Katigbak, City of Walnut Planning Department, opposed the ordinance and wanted to state that his City had filed protest letters.

Catherine Lin opposed the ordinance and expressed concern for the Foothill locations near places of worship and mobile home parks.

Miranda Sheffield supported the ordinance with reservations about social equity for the business owners.

Zachary Cliff opposed the ordinance and expressed concerns about the Foothill locations.

The following speaker cards were submitted in opposition to the ordinance and did not wish to speak:

David Yao	Basem Aweinot
Alfred Min	Salah Badran
Ibraim Usman	Muna Aweinot
Kahin Kyi	Tara Aweinot
Sabah Bux	Zayd Aweinot

Mohammed Yaqob Ludqing Yang
Maund Winn

The following speaker cards were submitted in support of the ordinance and did not wish to speak:

Mark Ramos, Renee Barbee and Linda Hinojos

MOTION BY COUNCILMEMBER ONTIVEROS-COLE, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to close the Public Hearing

Discussion took place amongst councilmembers about the staff recommendations for this item.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to introduce on first reading an Ordinance Adopting the Cannabis Overlay Program in the City of Pomona with the alternative option of adding a 600-foot buffer at the City boundaries.

7. Amendment of the Fiscal Year 2019-20 Capital Improvement Program Budget by Appropriating \$1,400,000 of Available General Fund Balance to "Police - Main Facility Roof Replacement," Project No. 428-2590-XXXXX-73369 and Authorization to Increase the Various Contract Prices by a Total of \$1,400,000

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2019-178

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM BUDGET BY APPROPRIATING \$1,400,000 OF AVAILABLE GENERAL FUND RESERVES TO "POLICE - MAIN FACILITY ROOF REPLACEMENT," PROJECT NO. 428-2590-XXXXX-73369

- 2) Authorize the City Manager to execute needed amendments to the following contracts with Victorious R.E.D. (abatement), H2 Environmental (monitoring of abatement), and Letner Roofing (construction), respectively, by a total of \$1,400,000 for the roof and wall repairs, inspections/testing, fees, and other expenses necessary to complete the project.

This item was pulled by Councilmember Garcia for questions.

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER TORRES,

CARRIED 7-0, to adopt Resolution No. 2019-178

DISCUSSION CALENDAR

8. Overview of the City's Grants Application Review and Administration Process

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

1) Discuss the City's grant application process and provide direction to staff regarding seeking and applying for future grant funding on the City's behalf.

2) Provide direction on community initiated grants and the process needed to incorporate these grants into the City process.

John Clifford spoke on his concerns for how the process will impact the community.

Deborah Clifford spoke on her concerns about non-profit organizations in the city ability to qualify for grants.

This item was continued by consensus of the council.

9. Finding of Public Benefit to the Community at Large: Recommended Expenditure(s) and Recap of Funds

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

1) Approve the expenditure(s) recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended item(s); and

A) Amount to be determined to Pomona Police Department in support of Santa Cop Program – Requested Amount: \$1,200

B) Amount to be determined to Pomona Police Department in support of Cops for Kids – Requested Amount: \$1,000

C) Amount to be determined to American Legion in support of repair costs due to recent vandalism – Requested Amount: TBD

D) Amount to be determined to Cal Pomona Communications Department in support of Cal Poly Alumni Night/ Student Led Scholarship – Requested Amount: \$700

E) Amount to be determined to Columbia Ave. Neighborhood Watch Group in support of Neighborhood Holiday Event – Requested Amount: TBD

F) Permission to use City Readerboard to World Mission Society Church of God in support of the Asez Clean-up and Sock/Blanket Drive – Requested Amount: N/A

G) Amount to be determined to Compassionate Pomona in support of advertising National Gratitude Month in Pomona – Requested Amount: TBD

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

MOTION BY COUNCILMEMBER TORRES, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to make a finding of public benefit for Items A-G

10. Approve a Resolution Providing Notice of Intent to Award Non-Exclusive Towing Franchises for City-Initiated Tows to Four (4) Franchisees and Setting the Public Hearing to Introduce a Towing Franchise Ordinance

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

RESOLUTION NO. 2019-168

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA DECLARING ITS INTENT TO GRANT THREE YEAR NON-EXCLUSIVE TOWING FRANCHISES FOR CITY-INITIATED TOWS AND SETTING THE PUBLIC HEARING TO INTRODUCE A TOWING FRANCHISE ORDINANCE

Marc Weiss, Carpe Carma owner, spoke on his opposition to having four tow operators.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2019-168.

Item 10A was heard prior to Items 7, 8, 9 and 10

PUBLIC HEARING

Item 11 was heard after Item 10A

MATTERS INITIATED BY CITY COUNCILMEMBERS

None

ADJOURNMENT

The City Council Meeting was adjourned at 12:27a.m. on November 5, 2019.

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