



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
Councilmember Victor Preciado
Vice Mayor 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, Aug 3, 2020

7:00 PM

Teleconference via Zoom

5:30 P.M. Via Teleconference

CLOSED SESSION

- A) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(Pursuant to Government Code Section 54956.9)

*State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a
Verizon Wireless, et al.*

Sacramento Superior Court Case No. 34-2012-00127517

- B) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code Section 54957.9(d)(1))

Cho v. City of Pomona, et al.

L.A. County Superior Court; Case No. 20PSCV00410

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

Part Time Unrepresented Employees

Part Time General Employees Unit

Unrepresented Group A and B Employees

Unrepresented Mid-Management Group C-2 Employees

Pomona City Employees' Association, a Chapter of Teamsters Local 1932
Pomona Mid-Management Confidential Employees Association (PMMCEA)
Pomona Police Officers Association (PPOA)
Pomona Police Managers Association (PPMA)

Labor Negotiators: James Makshanoff and Linda Matthews

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

CALL TO ORDER

Mayor Sandoval called the City Council Meeting to order at 7:00 p.m.

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Sonia Carvalho reported that agenda matters of pending litigation, existing litigation and labor negotiations were discussed and there was no reportable action on those items. An additional matter of pending litigation regarding a lawsuit filed by the ACLU against the City of Pomona was added on as an urgent item. This was added by a unanimous vote of all councilmembers. There was a discussion regarding this added item and there was no reportable action.

PLEDGE OF ALLEGIANCE

Councilmember Preciado led the Pledge of Allegiance.

ROLL CALL

Present via Zoom: Mayor Tim Sandoval
Councilmember Victor Preciado
Vice Mayor Nora Garcia
Councilmember Elizabeth Ontiveros-Cole
Councilmember Steve Lustro
Councilmember Robert Torres (entered the meeting at the 5:38 p.m.
mark)

Not Present per May 23, 2020 City Council Resolution of Censure:

Councilmember Rubio Gonzalez

STAFF PRESENT via Zoom

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

MAYOR/COUNCILMEMBER COMMUNICATIONS

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

Councilmember Preciado reminded everyone that the Charter Review Commission will be having a special meeting on Thursday, August 6

Councilmember Garcia congratulated several organizations and people that received awards from Assemblyman Freddie Rodriguez's office including God's Pantry, Stephanie Boatman, Lorraine Canales, and Donahoos. She also thanked Martin Perez for his efforts at Hamilton Park and Philadelphia Park.

Councilmember Ontiveros-Cole also congratulated Lorraine Canales and paid respects to the nine Marines that recently lost their lives in a training accident.

Councilmember Lustro reminded everyone to continue to stay safe.

Councilmember Torres encouraged citizens to contact him if they need facemasks, hand sanitizer or cleaning wipes and reminded everyone he is here to help with City issues if they need help.

Mayor Sandoval reported that the parks and recreation department would be holding meetings on August 22nd from 10am-12pm and August 26th from 6-8pm regarding the future of youth programming in the City to get input from the community, specifically the youth in the community. He also acknowledged the vandalism incident at American Post Legion 30 and wanted to assure the veterans that the City will work with their organization to address the issues of safety at their facility. The Mayor also addressed the lawsuits that were filed by the ACLU and stated that the City takes these matters seriously.

CITY MANAGER COMMUNICATIONS

City Manager James Makshanoff stated that staff were recommending that Consent Item Number 10 be tabled until the September 14 city council meeting in order to wait for some further information from PEOC.

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 only.

Comments will be read into the record by the City Clerk. The deadline to submit the comments was 6:00 p.m. today. All comments must be limited to 200 words.

Comments were received electronically via email and read into the record by the city clerk:

****PLEASE SEE ATTACHMENT FOR COMMENTS READ DURING PUBLIC PARTICIPATION.**

The Mayor made comments regarding the urgency ordinance by PUSH that was referred to in many of the public comments. He wanted the public to know that he and the city attorney will review the new information provide. He spoke about the County measure evolving also and the City's willingness to work with the community organizations that are supporting the issue of eviction moratorium and renter protections.

Councilmember Garcia reported that the City would be hosting a virtual town hall on Thursday regarding landlord and tenant rights. The Housing Rights Center will be present. Further information can be found on the City's social media accounts.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE), to approve the entire consent calendar except Items 3, 10, and 14 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:

July 6, 2020 Meeting Minutes
July 20, 2020 Meeting Minutes

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE), to approve City Council meeting minutes from July 6, 2020 and July 20, 2020.

2. Acceptance of the 2018 State Homeland Security Grant Program (SHSGP) Sub-Recipient Award in the Amount of \$70,199 and Amending the FY 2020-21 Operating Budget

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2020-118 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING THE 2018 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) SUB-RECIPIENT AWARD IN THE AMOUNT OF \$70,199 AND AMENDING THE FY 2020-21 OPERATING BUDGET BY RECEIVING AND APPROPRIATING \$1,000 IN SHSGP GRANT FUNDS

- 2) Enter into a Sub-Recipient Agreement with Los Angeles County for the acceptance of \$70,199 in 2018 State Homeland Security Grant Program (SHSGP) funds, agreeing to the terms and conditions of the Sub-Recipient Agreement; and
- 3) 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 COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-118.

3. Approve a Procurement with Digital Networks Group (DNG) for Downtown Pomona Transit Station Surveillance in the Amount Not-to Exceed \$187,600

It is recommended that the City Council approve a procurement with Digital Networks Group (DNG) for a new surveillance camera system in an amount not-to-exceed \$187,600 for "Pomona Transit Bridge Improvements and Beautification," Project No. 428-5290-XXXXX-67927.

This item was pulled for discussion because speaker emails were submitted.

****PLEASE SEE ATTACHMENT FOR COMMENTS READ REGARDING ITEM 3.**

Rene Guerrero, Public Works Director, and John DePolis, IT Director, answered questions from the council.

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to approve a procurement with Digital Networks Group (DNG) for Downtown Pomona Transit Station Surveillance in the Amount Not-to Exceed \$187,600.

4. Authorize the Submittal of an Application to the California Department of Transportation (Caltrans) for Highway Safety Improvement Program (HSIP) Funds

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

- 1) Authorize the submittal of an application to the California Department of Transportation (Caltrans) for Highway Safety Improvement Program (HSIP) funds; and
- 2) Authorize the City Manager to execute the application and any related documents required for submittal.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to authorize the submittal of an application to the California Department of Transportation (Caltrans) for Highway Safety Improvement Program (HSIP) Funds and Authorize the City Manager to execute the application and any related documents required for submittal.

5. Award of a Five Year Professional Services Agreement for Environmental Consulting Services for the National Pollutant Discharge Elimination System (NPDES) Program to CASC Engineering and Consulting, Inc.

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

- 1) Award of a one-year Professional Services Agreement (PSA), with the option for four additional one-year terms for Environmental Consulting Services for the National Pollutant Discharge Elimination System (NPDES) program to CASC Engineering and Consulting, Inc. (CASC Engineering); and
- 2) Authorize the City Manager to execute a one-year PSA to CASC Engineering to provider NPDES Consulting Services in the amount not to exceed \$125,000 for the first year, and adjusted as needed through the budget process for future years.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to award a Five Year Professional Services Agreement for Environmental Consulting Services for the National Pollutant Discharge Elimination System (NPDES) Program to CASC Engineering and Consulting, Inc. and Authorize the City Manager to execute a one-year PSA to CASC Engineering to provider NPDES Consulting Services in the amount not to exceed \$125,000 for the first year, and adjusted as needed through the budget process for future years.

6. Receive and Appropriate Funds; and Execute Agreement with the Los Angeles County Flood Control District's Safe Clean Water Program-Municipal Program Transfer Agreement per the Terms and Conditions

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

- 1) Adopt the following resolution:

RESOLUTION NO. 2020-115 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-2021 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING \$1,890,000 FROM LOS ANGELES COUNTY FLOOD CONTROL DISTRICT'S SAFE CLEAN WATER-MUNICIPAL PROGRAM TO THE SAFE CLEAN WATER PROGRAM FUND

- 2) Authorize the City Manager to execute the agreement with the Los Angeles County Flood Control District (District) for the Safe Clean Water (SCW) program - Municipal Program.; and
- 3) Accept the receipt of funds for FY 2020-21 in the approximate amount of \$1,890,000 from the SCW Program, and transfer funds received to the SCW Program Fund (142-8130-40904-00000).

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-115.

7. Amendment of the FY 2020-21 Capital Improvement Program Budget by Appropriating \$74,669 of Available Series "BE/BF" Water Bond Proceeds to the "Street Preservation - Local - Citywide (FY 19-20)" Project No. 428-2590-XXXXX-68561; and Approve Additional Change Order Authority

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

- 1) Adopt the following resolution:

RESOLUTION 2020-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-21 CIP BUDGET, BY APPROPRIATING \$74,669 OF AVAILABLE SERIES "BE/BF" WATER BOND PROCEEDS TO THE "STREET PRESERVATION - LOCAL - CITYWIDE (FY 19-20)", PROJECT NO. 428-2590-XXXXX-68561

- 2) Approve an additional \$74,669, 4% change order authority for the Gentry Brothers, Inc. (Gentry) construction contract, bringing the total contingency authority up to \$280,010, which is approximately 15% of the awarded contract. (This new contingency amount is requested for change orders related to the water bond funding being appropriated and is only available to be used for the water related change order items.); and
- 3) Authorize the City Manager to execute the necessary agreement amendments, as needed.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-117.

8. Approve California Choice Energy Authority entering into a Long-term Renewable Energy Contract with Sierra Pacific Industries on behalf of Pomona Choice Energy

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

- 1) Approve California Choice Energy Authority ("CalChoice") entering into a long-term Renewable Energy Contract with Sierra Pacific Industries ("SPI") on behalf of the City's Pomona Choice Energy; and
- 2) Authorize the City Manager to execute the attached Agreement (Attachment No. 1) pending City Attorney approval.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to approve California Choice Energy Authority ("CalChoice") entering into a long-term Renewable Energy Contract with Sierra Pacific Industries ("SPI") on behalf of the City's Pomona Choice Energy; and authorize the City Manager to execute the attached Agreement (Attachment No. 1) pending City Attorney approval.

9. Approval of First Amendment to Sole Source Agreement with Better 4 You Meals for an Amount Not To Exceed \$248,306 to Provide Home-Delivered Meals during COVID-19 Pandemic in FY 2020-21

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

- 1) Approve the First Amendment to the sole source agreement with Better 4 You Meals to increase the not-to-exceed amount to \$248,306 in order to provide home-delivered meals in FY 2020-21; and
- 2) Authorize the City Manager or his designee to execute the amendment and any amendments hereto, following approval by the City Attorney.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to approve the First Amendment to the sole source agreement with Better 4 You Meals to increase the not-to-exceed amount to \$248,306 in order to provide home-delivered meals in FY 2020-21; and authorize the City Manager or his designee to execute the amendment and any amendments hereto, following approval by the City Attorney.

10. 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 (the "PEOC") for Fiscal Year 2020-2021 in the amount of \$75,000 to be disbursed in four equal payments of \$18,750 at the end of each quarter after receipt, review and approval of the respective Quarterly Reports.

This item was pulled for discussion because speaker emails were submitted and based on staff recommendation to table this item to a future meeting.

****PLEASE SEE ATTACHMENT FOR COMMENTS READ REGARDING ITEM 10.**

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GARCIA, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to continue this item to a future meeting on September 14.

11. Amendment of the FY 2020-2021 City Operating Budget by Increasing Revenue Estimates and Appropriations in State Census 2020 Education and Outreach Grant Funds

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

RESOLUTION NO. 2020-122 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-2021 CITY OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS BY \$78,280 IN STATE CENSUS 2020 EDUCATION AND OUTREACH GRANT FUNDS

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-122.

12. Approve Amendment No. 1 to the Memorandum of Agreement with the San Gabriel Valley Council of Governments to Participate In the San Gabriel Valley Regional Vehicle Miles Traveled (VMT) Analysis Model

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

- 1) Approve Amendment No. 1 to the Memorandum of Agreement (MOA) with the San Gabriel Valley Council of Governments (SGVCOG) for an additional amount of \$2,750 to add a web-based Regional VMT Analysis tool to the scope of work and extend the term of the MOA to July 31, 2025; and
- 2) Authorize the City Manager to execute Amendment No. 1, future amendments and all necessary documents at the discretion of the City Manager, subject to review by the City Attorney.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to approve Amendment No. 1 to the Memorandum of Agreement (MOA) with the San Gabriel Valley Council of Governments (SGVCOG) for an additional amount of \$2,750 to add a web-based Regional VMT Analysis tool to the scope of work and extend the term of the MOA to July 31, 2025; and authorize the City Manager to execute Amendment No. 1, future amendments and all necessary documents at the discretion of the City Manager, subject to review by the City Attorney.

13. Letter of Support for Metro L (Gold) Line Fairplex Safety and Connectivity Project

It is recommended that the City Council the authorize the submittal of a letter of support to the San Gabriel Valley Council of Governments (SGVCOG) executed by the City Manager for the Metro L (Gold) Line Fairplex Safety and Connectivity Project.

MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to authorize the submittal of a letter of support to the San Gabriel Valley Council of Governments (SGVCOG) executed by the City Manager for the Metro L (Gold) Line Fairplex Safety and Connectivity Project.

14. Adopt a Resolution to Add the "Pomona Regulate Cannabis Act of 2018" Measure to the General Municipal Election of November 3, 2020

It is recommended that the City Council adopt the following resolution in order to add a measure to the November 3, 2020 ballot:

RESOLUTION NO. 2020-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUBMISSION TO THE

QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO THE "POMONA REGULATE CANNABIS ACT OF 2018" AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 AS CALLED BY RESOLUTION NO. 2020-83

This item was pulled for discussion by councilmember consensus and because speaker emails were submitted.

****PLEASE SEE ATTACHMENT FOR COMMENTS READ REGARDING ITEM 14.**

Anita Gutierrez, Development Services Director, and Sonia Carvalho, City Attorney gave a brief explanation on this item and answered questions from the council.

All councilmembers and the mayor expressed concern about this measure given the City's already enacted commercial cannabis ordinance that the community and council spent so much time working on to create what's best for the city. Councilmember Torres expressed support for working with the proponents to see if the City can adopt some of requests from their initiative. Mayor Sandoval expressed that the best option at this point was to do everything possible to find the proponents and work with them to rescind the measure.

City Attorney Carvalho explained the only ways the measure would not go on the ballot:

- the proponents submit a letter of withdrawal for their initiative measure
- the council adopts the ordinance as proposed in the initiative measure

City Attorney Carvalho also explained that the City does have the option to place the city's adopted commercial cannabis ordinance on the ballot as a competing measure and if it gets the most votes than the current ordinance would be affirmed. However, if the citizen initiative measure gets the most votes than that measure's ordinance, wherever there is conflict about regulations, would supersede the city's adopted ordinance.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to continue this item to a special meeting no later than Friday, August 7.

DISCUSSION CALENDAR

15. Finding of Public Benefits 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 The Miracle Warriors for education on sexual abuse – Requested Amount: \$TBD)
- b. Amount to be determined to Camara de Comercio Hispana del Valle de Pomona for Computer training for Hispanic Businesses – Requested Amount: \$TBD)
- c. Pomona Valley America's Job Center of California request to use the Electronic Reader Board to promote Paid Summer Internships for youth seeking internship & training

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

MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to make a finding of public benefit for Items A-C.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Torres asked about a project on Via Estrella and Mountain Meadows and requested staff to set up at meeting at the site to explain to him what is going on.

Councilmember Lustro referred to a public comment that was expressing concern about an accessory dwelling unit (ADU) being built in District 5. He requested that staff bring back a code amendment that would address the impacts such as what this ADU has caused in the neighborhood and allow the City to better regulate ADUs in the future within the parameters of state regulations.

Councilmember Ontiveros-Cole spoke about restaurants set up out on the sidewalks that are not following health department rules and not abiding by COVID-19 regulations.

Councilmember Garcia addressed the number of homeless going up and the need to push for advocacy at the County Supervisor level to get more help in place for the essential workers in the City.

Councilmember Preciado spoke on the Mission Diner site and wanted an update on the cleaning up of the site. He also requested an update on the rental inspection ordinance that staff are working on. He requested working with DPOA with regard to the Activate Pomona program when it comes to events like the ArtWalk.

City Manager Makshanoff made a statement regarding the lawsuit that Gente Organizada and the ACLU filed against the City:

"The City is aware that the ACLU has filed a lawsuit alleging that the police department is not complying with AB392, legislation enacted last year regarding law enforcement's use of deadly force. The City takes the allegations very seriously and will vigorously work to

ensure that all the facts are shared with the public because those facts will demonstrate that the City is complying with AB392.

The City of Pomona has always been proactive in updating its use of force policies. Following the passage of AB 392, the City continued in that forward-thinking approach by adopting new guidelines before the law took effect. Importantly, those changes were adopted following the professional advice that the City contracts with Lexipol to provide regarding police department policies. This advice has evolved and recently Lexipol provided additional recommended amendments. The City of Pomona will review those amendments and current policies to ensure they continue to comply with State law. The City hopes that after presenting all of the facts to the ACLU the matter can be resolved, if it cannot the City of Pomona will be prepared to vigorously defend itself in court."

Mayor Sandoval spoke about resident concerns regarding an alley near Garfield Park and requested Rene Guerrero to report back to him about efforts to clean this alley up. He also requested a presentation from Benita DeFrank about LAHSA's homeless count to understand the progress that has been made by the City and what can still be done to continue to bring down the City's numbers. He reported that the planning commission and the city council would be having a joint meeting on Monday, August 17 at 6pm. This was requested by the council to hear about efforts being made to offer affordable housing when new projects come to the City. The mayor also spoke on his concern with parties in the city with large numbers of people and wanted to know if the city can take any action against these gatherings.

ADJOURNMENT

The City Council meeting was adjourned in memory of Adlai Yarbrough at 8:38 p.m. on Monday, August 3, 2020.

Respectfully submitted,



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

ATTEST:



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

AUGUST 3, 2020 REGULAR CITY COUNCIL MEETING
PUBLIC COMMENTS

PUBLIC COMMENT

KRYSTAL HAYS – The City of Pomona has approved the construction of a 2200 sf three-story home in the backyard at 27 Los Coyotes, Pomona. The city has unlawfully misinterpreted state laws regarding accessory dwelling units (ADU) to allow the property owner to build this giant structure. Our property values and quiet way of life are at stake. Your constituents at 24 and 26 Rancho Laguna expect the City of Pomona to mitigate the damage caused by this project through the following:

1. An immediate stop work order for the project at 27 Los Coyotes
2. Limit any ADU structure to a TOTAL 1200sf floor space including any crawl space, attic, or basement. THIS IS THE STATE LAW. Any attic, "crawl space", or basement that has windows, doors, and is large enough to walk in should be treated as living space and included in total square footage.
3. Revision of all building permits to reduce the excessive roof pitch, remedy inadequate drainage system, and address privacy concerns.
4. Require the homeowner at 27 Los Coyotes to replant large trees to ensure that any building project is not visible by ANY neighboring homes.

The signatures of 226 supporters of our petition are included.

ELLA NOLTE – My name is Ella Nolte and I am writing to urge the city council to pass Pomona United for Stable Housing (PUSH)'s urgency ordinance NOW! This includes making sure there are .No evictions during the COVID emergency .No pointless requirements to notify the landlord or "reasons." No rent increases during the COVID emergency. No late fees, interest, or rent unpaid due to COVID. No evictions because of rent unpaid during COVID every citizen of Pomona needs to be given the opportunity to make it through this pandemic safely, and they cannot do that if they are forced out of their homes because they cannot pay their rent. I urge you to do your part to get our city through these tough times and save your people from yet another crippling burden brought on by the coronavirus. Pass the PUSH ordinance.

ATHENA TAN – Mayor Sandoval and City Council Members,
I strongly urge you to protect the health and safety of Pomona's most vulnerable residents by passing the Pomona United for Stable Housing ordinance on rent relief and evictions. Please proactively ban evictions for the duration of the COVID-19 pandemic and do not require residents to explain all the reasons why they are unable to pay rent. Please also ban rent increases and late fees or interest on unpaid rent for the duration of the pandemic. I hope it is clear after almost 5 months that this is a life or death situation. Treating some of our community members as disposable in the name of the economy or other people's profit is unacceptable and weakens the strength of our entire community. Please commit to a just economy for Pomona that encompasses the well-being of all residents. Thank you.

DA CENTER FOR THE ARTS – Award winning Hamilton park clean – On August 1 Saturday time [9a-11a](#)

The Pomona Community families and friends youth and old strongly came together to show district 1 their summer LOVE by raking, weeding, Brooming and collecting loads and loads of debris from not only the park but also district [2 Hamilton Blvd.](#) streets easements, gutters, also cleared storm drains at Santa Fe railroad tracks from Mission to Holt

Public citizens stopped to thank us all with Gator aid, waters, honking their horns and waving, neighbors like Mrs. Vega created an out of sight HORCHATA, The Paleta man offered free palteas for all courtesy of sponsors Jessi's Cise thanked us from his porch The Hamilton park Stewarts action committee wish to THANK ALL the volunteers who participated thru the extreme obstacles presented to our humanity

First and foremost THANK GOD

Thank You, Mayor Tim Sandoval, for cutting the grass and providing tools and heartfelt leadership

Thank You, council members Victor Preciado, and family.

Thank You, Nora Garcia and volunteers

Thank you, Gods pantry, and volunteers

Thank You, Day, one and volunteers

Thank you, representatives, from Latino/a roundtable

Thank You to the sponsor's Da ART CENTER Pomona valley Runners, Alfredo Camacho, Mayor Tim Sandoval, Victor Preciado, Carlos Goytia, Mellissa Ayala, Vincent Carpio

All volunteers were highly motivated and courteous with the spirit of the community first

LYNNE MARSENICH – I am writing to urge you to pass PUSH's urgency ordinance now.

Unless you act, evictions will start now in the worst health crisis of our lifetimes.

There should be no evictions, no rent increases, no late fees and no evictions ever due to unpaid rent during this COVID crisis. Further, there should be no pointless reasons to notify the landlord during this COVID crisis.

As a resident of Pomona I am distressed that we have one of the highest rates of COVID in Los Angeles County. Evictions during this time will only exacerbate the problem and put everyone at risk.

MIRIAN JUAN – I am writing to urge you to pass the PUSH's urgency ordinance now. Let there be NO EVICTIONS during the COVID pandemic, NO rent increase, NO late fees or interest on unpaid rent, NO requirements to notify landlords of "reasons" and NO evictions EVER because of unpaid rent during COVID. My father has been working 7 days of the week and my mom 5 days of the week to keep our family afloat. We live in a two-bedroom apartment. Before I'd utilize the Pomona Library, Mi Cafecito in Downtown Pomona, and my university library to study, while my siblings were involved in afterschool activities so we didn't spend too much time at home. However, since March we have been forced to stay home and make the best of our small, cramped apartment. Rent has always been a stressor for our family because of the past rent increases, but now that stress is amplified

even more because of COVID. My parents risk their lives every time they go to work. If either of them become exposed to COVID it would most certainly displace us. Pomona is our home. Protect us from evictions and rent increases during COVID.

SYLVESTER G. – My name is Sylvester, I live in north Pomona & I think city council should pass PUSH's Urgency Ordinance. There should not be evictions for unpaid rent (or at all, frankly) during the COVID emergency. If we aren't making money, we shouldn't have to pay rent. I shouldn't be required to provide my landlord with a reason why I can't pay rent during the COVID emergency. I should think the reason is clear as a (expletive word used) fucking bell. There shouldn't be rent increases during the COVID emergency. The prospect of such a thing is monstrous. There also shouldn't be late fees or interest placed on unpaid rent. This is heinous & stupid. If I can't pay rent now, what makes you think I can pay double that later?

The choice between losing my home & exposing myself to a potentially life threatening virus isn't a choice; it's a hostage situation. Pass PUSH's Urgency Ordinance, dummies.

DEREK ENGDAHL – Mr. Mayor and City Council Members,

My name is Derek Engdahl and I am chairing the city's Charter Review Commission. This Thursday at 6 pm the commission will be hosting a virtual study session with the main purpose of listening to community input on the charter. There will be a brief overview of what it means that we are a charter city and a presentation detailing how the commission is reviewing our charter specifically. The remainder of the time will be given to hearing concerns, questions, and ideas that the community has related to the charter. In September there will be another such meeting focusing on the idea of a police commission. Other study sessions might also be scheduled after we hear from the community on Thursday. Information about the meeting can be found on the front page of the City's website. Thank you.

KALILAH HAMID – I am emailing to pressure the Pomona City Counsel to pass the PUSH Urgency Ordinary. We demand that there be no evictions during the COVID 19 emergency. We demand no rent increase during the COVID 19 emergency. We demand no late fees or interest on unpaid rent because of COVID 19.

DAVID ORTEGA – I am lifelong citizen of Pomona, a former educator at Pomona Unified, and I come to you to ask to pass PUSH's urgency ordinance. If you know Pomona, you know the identity of our city revolves around working class, immigrant, and PoC individuals. A failure to pass this ordinance would cause countless evictions that would leave thousands homeless and put them at risk of death. Failure to pass this ordinance would leave blood on all your hands. People have enough to worry about and should not have to pay rent, worry about late fees or rent increases, have to provide proof of financial crisis, and should not fear being evicted. You have a chance to show the people of Pomona that you care for our most vulnerable citizens and not just about the landlords that fund your campaigns and you eagerly try and please. We will not forget your actions during these times.

ANA LAURA PORTILLO – To the City of Pomona City Council,
Stop all Evictions!!!

MICHELLE LOPEZ – This is request to adopt a more effective COVID-19 Urgency Ordinance to protect tenant families in your districts, your neighborhoods, and your city of Pomona. If you claim to represent your constituents and have the best interest of your fellow community members in mind, not just the ones that personally or financially support you, then I urge you to enact the PUSH ordinance that protects those community members that are most vulnerable and at risk of displacement and economic catastrophe. In the Urgency Ordinance proposed by the PUSH coalition, the following protections have the tenant families' needs in consideration:

- NO EVICTIONS during the COVID emergency
- NO requirment to notify the landlord of 'reasons'
- NO RENT INCREASES during the COVID emergency
- NO LATE FEES or INTEREST on rent unpaid due to COVID
- NO EVICTIONS EVER because of rent unpaid due to COVID

Again, I urge you to pass the PUSH Urgency Ordinance and protect the families and residents you were elected to represent.

YESENIA MIRANDA – I would like to thank you so much for the action that was taken and the urgency of adopting the Los Angeles County moratorium on evictions. I come to you with urgency once again, we have learned that the courts are about to lift RULE 1 on evictions, for those that do not know what rule 1 is; The **rule**: Prohibits a court from issuing a summons after a landlord files an **eviction** case, unless necessary to protect public health and safety. The court will now begin to issue a summons even during this emergency period. When this Rule is lifted this is going to be catastrophic for our vulnerable residents that have not had the means to pay their rents! This will only add to our homeless population and illegal evictions will start to happen! Therefore, it is paramount that you adopt the proposed ordinance from PUSH Pomona United for Stable Housing. This Ordinance is now our Tenants only hope of stability and homeless prevention! I urge you with the highest respect to consider calling an emergency meeting to adopt the tenant protection ordinance. Our residents health, safety and well being is at stake if you do not take action!

EDER BLANCO – Hello my name is Eder and I urge Pomona City Council to pass the ordinance that will protect tenants from late fees, rent increases, requiring notifying landlords with reasons, and evictions due to unpaid rent. We're all facing varying degrees of duress during this pandemic and displacing and causing further stress on Pomona residents is not only unfair but cruel. Please pass PUSH's urgency ordinance!

JOHN NOLTE – Last week, Pomona United for Stable Housing (also known as PUSH) delivered a proposed urgency ordinance to the Mayor and Councilmembers to protect Pomona's tenants from evictions that will soon begin this month when the courts reopen

the eviction process. PUSH's ordinance is based on an ordinance that the Oakland City Council passed back in March.

PUSH's urgency ordinance stops evictions unless there is an imminent threat to health and safety—regardless of what the courts do—until the end of the COVID emergency. It eliminates the notice requirement which is nothing but a trap for tenants who do not know about it. It prevents late fees and rent increases during the emergency. It ensures that no one will be evicted in the future for nonpayment of rent that was due during the emergency. Tenants will still be obligated to repay that rent—but landlords will not be able to threaten them with eviction if they struggle to do so.

Unfortunately, the LA County Ordinance that the Council approved leaves tenants vulnerable to eviction, homelessness, and increased risk of COVID infection. To stay safe and in their homes, tenants need homes to stay in. Please adopt PUSH's urgency ordinance immediately.

LUCIA NAGLER – Many Pomona residents are facing unemployment, financial insecurity, death and illness. Also, at this time Pomona students are preparing to start the new school year following a completely new routine. We need to halt all evictions and rent increases during the COVID emergency. No late fees or interest on rent unpaid because of COVID. There should not be any pointless requirements to notify the landlords of reasons why rent cannot be paid at this time. The City Council needs to pass PUSH's Urgency Ordinance now for the sake of all of our safety during this global pandemic and economic emergency. Thank you for your consideration.

MICHELLE BERNARDINO – Housing is a human right and if the city council refuses to pass PUSH's Urgency ordinance let it be known that the city council has made it clear that they are disregarding the community's needs during a pandemic and that is clearly an abuse of human rights. In a time where families are facing difficulties to stay afloat, the city council can actually take a step to provide literal shelter to families who cannot afford so because of the heinous ways in which capitalism works. You cannot continue defending landlords. Tenants deserve to have a roof over their head now more than ever.

ANEL HERNANDEZ – I am writing to you this evening to urge you to adopt PUSH's emergency ordinance! As as a volunteer to the coalition I have witnessEd too many injustices happening in our own back yard during these difficult times that no one should have to go through. Our communities deserve and must feel protected by a city that says is there for them! Now is the time to put actions behind words and stop any further mishaps around improper evictions, rent increases, pointless notification requirements and unjust late fees. Housing is a human right. Every human deserves the dignity of living in a safe and stable home. And much more during the uncertain times of COVID.

CONSENT CALENDAR ITEM NO. 3 (DOWNTOWN POMONA TRANSIT STATION SURVEILLANCE)

LORENA PARKER – I would like to express my support for the procurement of the new surveillance cameras for the transit station/bridge.

As you may be aware, the DPOA has cameras throughout Downtown Pomona. Additionally, the transit center is located within the DPOA boundaries.

It would be a great opportunity if the DPOA and DNG could collaborate on this project. Currently, Pomona PD also has access to our security cameras. Please let us know how we can assist with this project.

CATHY TESSIER – Please indicate how this new camera system will (hopefully) integrate with the camera system servicing the Downtown Pomona Owners Association area (DPOA) now currently also with its own camera system. Considering the multiple problems at the Transit System, it seems a waste of money if the systems are not coordinated.

CONSENT CALENDAR ITEM NO. 10 (POMONA ECONOMIC OPPORTUNITY)

M. JOYCE BAKERSMITH – I am concerned about the consistent and continuing financial support to an organization that has been receiving funds from the City for more than 20 years and has done nothing to equitably offer the opportunity for ALL Day Laborers to receive jobs.

The Pomona Economic Opportunity Center (PEOC) was supposedly established as a DAY Labor Center to eliminate massive gatherings of day laborers in the vicinity of the Contactor's Warehouse on Mission in District 5:

- From impeding traffic,
- From restricting access to local businesses, and
- From creating blight traditionally left by large groups.

The intent was for it to become self sufficient. Self Sufficiency has not happened. It has now gained a spot in the Budget.

I object to PEOC's receiving funds, as I object to the Pomona Chamber of Commerce and the Camara de Comercio Hispana del Ville de Pomona, who is requesting \$10,000 under the DONATION AND FINDING OF PUBLIC BENEFIT REQUEST agenda category.

The PEOC does not offer opportunity of employment for ALL day laborers. PEOC exists only for the hiring opportunities of undocumented workers. PEOC should not receive City Funds.

CONSENT CALENDAR ITEM NO. 14 (ADDITION OF BALLOT MEASURE)

M. JOYCE BAKERSMITH – Dear Mayor and City Council

This email is to receive clarification on resolution 2020-101 which puts the "Pomona Regulate Cannabis Act of 2018" Measure on the November 3, 2020 Ballot. In reviewing information on the Agenda and its attachments, this measure being presented to the voters is a separate way of regulating Cannabis in Pomona.

- What happens to the current applications under this council's Cannabis Ordinance?
- Will this ballot measure limit or increase cannabis business in Pomona?
- Does this ballot measure override the Pomona City Ordinance #4257?
- How is the application process going to be different under this measure?
- Is this Measure being put on the ballot specific to the downtown locations?
- Why is Resolution #2020-83 SECTION 2, a utility tax increase of 0.75% included in the attachments for this measure under Item 14, rather than showing the Tax Measure Section 2, as a separate item on the agenda and a separate measure to be voted on in the November 3, 2020 Election?

Thank you in advance for addressing my questions at this City Council Meeting.

MEL CHAVEZ – Good evening Mayor and Councilmembers,

I am writing to you this evening to express my concern regarding this Agenda item. Our staff has held numerous sessions to hear the communities input regarding this topic only to see there is a push to amend the Pomona Cannabis Zoning Code. This amendment will be adding parcels in our downtown which have already been excluded by our staff and will reduce the amount of feet to our sensitive use sites which mainly are sites used by children. With that being said, I ask that you deny this resolution and put our children first. Thank you for your time and efforts in making our City a better place for its residents.

LORENA PARKER – At this time I would like to request additional information on this item. Where would these be permitted? How many? Who is going to monitor them? What public process was taken to come up with this? Have the property owners in the Downtown Pomona District been notified? I respectfully request that all questions be addressed before any action is taken on this item.

CATHY TESSIER – The City has done an effective job seeking public input, holding meetings, seeking cannabis investors, interviews, etc. Now this pending petition for the November, 2020 ballot before the voters wastes all of that time and effort to include the city's residents in the approval process as to individual sites. Based on the parcel numbers, the downtown is the only site for sales, and there is no limit. The downtown has long sought to be a mixed use area containing multiple businesses, schools, entertainments, sales, etc. I don't believe the city residents want to see Downtown become Pot City. The current city plan, and procedures it follows has been quite effective and through its requirements are protecting the interests of the city

residents and workers. However, the city should have foreseen that this petition from November, 2018 would resurface -- and as the city has not completed its process, it must rebut this petition by filing one of its own. Let the voters decide if they want a haphazard plan skewed to just a few cannabis operators (linked by the political climate of 2018) or a well thought-out plan currently in place and almost completed and ready to go.