



# City of Pomona

505 S. Garey Ave  
Pomona, CA 91766

## Regular Meeting Minutes

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

*Mayor Tim Sandoval*  
*Councilmember John Nolte*  
*Councilmember Victor Preciado*  
*Councilmember Mayor Nora Garcia*  
*Councilmember Elizabeth Ontiveros-Cole*  
*Vice Mayor Steve Lustro*  
*Councilmember Robert S. Torres*

#### **VISION STATEMENT**

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

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Monday, June 21, 2021

7:00 PM

Teleconference via Zoom

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#### **CLOSED SESSION**

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

**A) CONFERENCE WITH LABOR NEGOTIATORS**  
(Pursuant to Government Code Section 54957.6)

Part Time Unrepresented Employees  
Part Time General Employees Unit  
Unrepresented Group A and B Employees  
Unrepresented Mid-Management Group C-2 Employees  
Pomona City Employees' Association, a Chapter of Teamsters Local 1932  
Pomona Mid-Management Confidential Employees Association (PMMCEA)  
Pomona Police Officers Association (PPOA)  
Pomona Police Managers Association (PPMA)

Labor Negotiators: James Makshanoff and Linda Matthews

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

#### **CALL TO ORDER**

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

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

City Attorney Sonia Carvalho stated there was no reportable action from the one closed session item.

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## **PLEDGE OF ALLEGIANCE**

Councilmember Preciado led the Pledge of Allegiance.

## **ROLL CALL**

Present via Zoom: Mayor Tim Sandoval  
Councilmember John Nolte  
Councilmember Victor Preciado  
Councilmember Nora Garcia  
Councilmember Elizabeth Ontiveros-Cole  
Vice Mayor Steve Lustro  
Councilmember Robert Torres

## **STAFF PRESENT via Zoom**

Sonia Carvalho, City Attorney  
Rosalia Butler, City Clerk  
James Makshanoff, City Manager  
John DePolis, IT Director  
Mark Gluba, Deputy City Manager  
Kirk Pelser, Deputy City Manager  
Mike Ellis, Police Chief  
Linda Matthews, Human Resources Director  
Rene Guerrero, Public Works Director  
Andrew Mowbray, Finance Director  
Anita Gutierrez, Development Services Director  
Ata Khan, Planning Manager  
Benita DeFrank, Neighborhood Services Director  
George Montano, Housing Authority Manager  
Aren Yeh, Management Analyst  
Ed Segura, Purchasing Manager  
Chris Diggs, Water Resources Director  
Arnold Dichosa, City Engineer  
Chris Millard, Risk Manager

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

## **PRESENTATIONS**

\*Proclamation Proclaiming June 2021 as LGBTQIA+ Pride Month

Mayor Sandoval and Councilmember Preciado read the proclamation.

Frank Guzman and Dr. James Garcia from the Pomona Pride Center spoke regarding the proclamation.

\*Presentation on the 2021 Fireworks Initiative by Pomona Police Chief Michael Ellis

Police Chief Ellis gave the presentation and answered questions from the council. Vice Mayor Lustro provided the hotline for reporting illegal fireworks.

### **MAYOR/COUNCILMEMBER COMMUNICATIONS**

Councilmember Ontiveros-Cole thanked the Juneteenth event organizers.

Vice Mayor Lustro thanked the public works department for the work they did for the groundbreaking event for the Valley Boulevard project. He spoke about upcoming Coffee with the Cop event that will take place in person at the Starbucks near Golden Corral.

Councilmember Garcia thanked staff at the groundbreaking event. She reported that she visited the newly renovated Pomona Public Library and children and adults alike were excited. She also reported that Storytime will resume this month. She thanked the African American Advisory Alliance for creating a community cultural center in downtown Pomona. She attended their soft opening and their block party and reported that both were great events. She also attended the 31<sup>st</sup> Annual Juneteenth event. She reminded everyone that there are plenty of opportunities to get vaccinated.

Councilmember Preciado went to the soft opening of the Klownski Foundation whose mission is to better the lives of people living with disabilities, homelessness and pediatric cancer. He expressed that he was glad Juneteenth was now a federally recognized holiday and thanked the Juneteenth event organizers. He spoke about an upcoming LGBTQIA+ social event at El Jefe in collaboration with Brenda Gomez. He reminded everyone that fireworks are illegal in Pomona.

Councilmember Torres thanked the organizers of the Juneteenth event at Ganesha Park and thanked Councilmember Ontiveros-Cole for being a part of the event. He spoke about an upcoming backpack give away event in August at Palomares Park sponsored by the LA Care Health Plan/Blue Shield of America. He spoke about the Carvana project at the Fairplex and stated that he will be holding town halls regarding the issue coming up for his constituents.

Councilmember Nolte spoke about the African American Advisory Alliance's community cultural center and what a great space it was. He attended the Juneteenth event and the block party held on the same day. He toured the STIIZY cannabis dispensary opening in his district and stated it looked nice. He spoke about the Valley Boulevard project and the addition of a Class 4 bike lane. He spoke about the recent employee appreciation lunch and expressed his own appreciation for the staff.

Mayor Sandoval acknowledged Dr. Trudy Coleman for her efforts in the annual Juneteenth celebration and the several board members involved with the event. He reported that tickets for the Mayor's Gala for the library are sold out. He thanked Senator Leyva for putting forth the funds to renovate the library.

### **CITY MANAGER COMMUNICATIONS**

City Manager James Makshanoff reminded the public that there would be no city council meeting on Monday, July 5 due to the Fourth of July holiday. He stated the next council meeting will be July 19 and this meeting will be in person in the Council Chambers. All state and county health regulations will be reviewed prior to this meeting but it is the plan to have this meeting in person.

### **PUBLIC PARTICIPATION**

*Public Participation - In response to the global COVID 19 pandemic and in accordance with California Governor's Executive Order N 25 20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note that comments for Public Participation or for a specific item on the agenda were accepted by email and also were accepted live during the meeting via the chat feature on Zoom or voice. Comments received electronically via email were read into the record by the City Clerk.*

**\*\* PLEASE SEE ATTACHMENT FOR FOUR (4) EMAIL COMMENT READ DURING PUBLIC PARTICIPATION.**

#### **Live comments were as follows:**

Karen Roseberry spoke about her concerns with District Attorney Gascon and said she hoped this would be an agenda item in the future for the council to discuss. She stated she believes the DA is acting far outside his elected duties including disregarding prosecution of numerous misdemeanors.

Jim Dale, Pomona Valley Hospital Medical Center, spoke about the healthcare professionals that have been treating COVID-19 patients for over a year and stated his hospital cared for over 6000 patients affected by COVID-19. He provided updates on vaccination availability and reported that Pomona has a vaccination rate of 57.5% for residents 16 and over and urged residents to book an appointment to get vaccinated. He stated that PVHMC would continue to have vaccines open for the foreseeable future.

Claudia Fuentes asked for assistance in promoting PUSD's early childhood education programs to all the families in Pomona.

Mike Suarez, member of P.O.S.T., referenced an LA Times article that stated several cities in Los Angeles County, including Pomona, did not turn over to District Attorney Gascon a list of police officers with a history of dishonesty and misconduct that would affect their



credibility in court. He spoke about the proposed police commission needing subpoena power because the Pomona police department has a history of protecting bad officers and said identification of these bad officers is needed in order to weed them out.

Angela Brunson, resident of San Gabriel Valley, expressed concerns about District Attorney Gascon's special directive 20-07, which has led to several cases being rejected by the district attorney's office. She said she believes this deprives suspects the access to rehabilitation programs and these suspects may go on to commit more serious crimes. She urged council to place a vote of no confidence item on a future council agenda and said many other cities have already done so.

Darrell Kruse expressed the view that City staff lie on their staff reports in order to manipulate the council's decision. (audio cut off for Mr. Kruse and Mayor Sandoval asked to go on to the next speaker)

Guillermo Gonzalez, Pomona Valley Democratic Club, asked that the letter he submitted to the City Clerk be part of the record. He asked that the council formally oppose several state bills: AB 556, AB 537 SB 378, and SB 28. He stated that all these bills in their own way would reduce or eliminate local government zoning authority. He also encouraged the City to adopt a Juneteenth holiday.

### **CONSENT CALENDAR**

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to approve the entire consent calendar except for Items 5 and 8, 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:

June 7, 2021 Meeting Minutes

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to approve the meeting minutes of June 7, 2021.**

2. Amending the FY 2021-22 Operating Budget by Increasing Revenue Estimates and Appropriating Permanent Local Housing Allocation and Community Development Block Grant Funds

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

**RESOLUTION NO. 2021-64 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2021-22 OPERATING**

**BUDGET TO INCREASE REVENUE ESTIMATES AND APPROPRIATE  
PERMANENT LOCAL HOUSING ALLOCATION AND COMMUNITY  
DEVELOPMENT BLOCK GRANTS FUNDS**

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO,  
CARRIED 7-0, to adopt Resolution No. 2021-64.**

3. Award of Contract to Alliant Insurance Services to Provide Insurance Broker Services Based Upon Commission Not To Exceed \$44,000 Annually and Authorize Payment of Coverage Premiums

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

- 1) Award the contract to Alliant Insurance Services to provide insurance broker services for an initial three-year term and two optional one-year extensions;
- 2) Authorize the City Manager to execute the contract and subsequent extensions on behalf of the City; and
- 3) Authorize the City Manager to bind coverage from the insurance carriers for various lines of coverage obtained through Alliant Insurance Services and approve payment of premiums within existing budget appropriations.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO,  
CARRIED 7-0, to award a contract to Alliant Insurance Services to provide insurance broker services, authorize the City Manager to execute the contract and subsequent extensions, and bind coverage from insurance carriers for various lines.**

4. Award of Contract to US Printing For Citywide Printing Services

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

- 1) Approve the award of three (3) year contract for Citywide Printing Services with an option to renew for two (2) additional years, not to exceed five (5) years to US Printing; and
- 2) Authorize the City Manager to execute a three-year agreement with two one-year renewal options with US Printing to provide Citywide Printing Services.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO,  
CARRIED 7-0, to approve the award of a three (3) year contract to US Printing for Citywide Printing Services and authorize the City Manager to execute a three- year agreement with two one-year renewal options**



5. Approval of City Hall Closure during the 2021 Holiday Season and Adoption of a Resolution Approving Proposed Changes to 2022 City Council Meeting Dates Due to Holiday Conflicts and Establishing Rescheduled Meetings as "Regular" Meetings of the City Council

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

- 1) Authorize the closure of City Hall from Wednesday, December 22, 2021 through Thursday, December 30, 2021, to avoid potential staff shortages during the holidays; and
- 2) Adopt the following resolution:

**RESOLUTION NO. 2021-79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE CLOSURE OF CITY HALL DURING THE 2021 HOLIDAY SEASON AND CANCELLATION OF 2022 MEETING DATES DUE TO CONFLICTS WITH OBSERVED HOLIDAYS**

This item was pulled for discussion by the Mayor.

The Mayor with council consensus continued this item to the July 19 council meeting to consider the dark period changing from August to July, to consider the Juneteenth holiday, and to reschedule rather than cancel regular meetings that fall on holidays.

6. Adopt a Resolution Authorizing the City of Pomona Housing Authority (PHA) to Accept Three U.S. Department of Housing and Urban Development (HUD) Grant Awards and to Receive Funding Totaling \$1,420,504

It is recommended that the City Council, Sitting as the Governing Board of the City of Pomona Housing Authority take the following actions:

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SITTING AS THE GOVERNING BOARD OF THE POMONA HOUSING AUTHORITY, APPROVING THE HOUSING AUTHORITY'S ACCEPTANCE OF THREE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAM GRANT AWARDS TO RECEIVE FUNDING TOTALING \$1,420,504 AMENDING THE FY 2021-22 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING FUNDS IN THE SAME AMOUNT**

- 2) Authorize the Executive Director of the Housing Authority or his designee to execute the contracts and other documentation requested for acceptance and implementation of the grant awards, subject to approval as to form by the City Attorney.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2021-81.**

7. Adopt a Resolution To Receive Up To \$207,000 In Elderly Nutrition Grant Funding From The County Of Los Angeles Workforce Development, Aging and Community Services (WDACS) and Amend The FY 2021-22 Operating Budget By Increasing Revenue and Expenditure Estimates and Appropriating \$7,000

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-83 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, RECEIVING UP TO \$207,000 FROM THE COUNTY OF LOS ANGELES WORKFORCE DEVELOPMENT, AGING AND COMMUNITY SERVICES (WDACS) FOR THE ELDERLY NUTRITION PROGRAM AND AMENDING THE FY 2021-22 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATIONS IN THE AMOUNT OF \$7,000**

- 2) Authorize the City Manager, or his designee, to execute an agreement with the County of Los Angeles to receive up to \$207,000 in grant funding, following City Attorney approval.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to adopt Resolution No. 2021-83.**

8. Approval of City Council Priorities and Goals

It is recommended that the City Council review and approve the City Council Priorities and Goals dated June 21, 2021.

**This item was pulled for discussion by Councilmember Preciado.**

Councilmember Preciado proposed to make a change to Priority 4, Item M and substitute the police chief's youth diversion program for the park ranger program listed that never has the budget to move forward.

There was discussion about the funding available for the goals set forth. City Manager Makshanoff reported that the City's new grant writer would be pursuing grants related to



youth development.

The Mayor expressed his desire to keep the park ranger program in the goals. Councilmember Nolte suggested adding the youth diversion program somewhere else in the goals.

Human Resources Director Linda Matthews proposed adding the youth diversion program under N, Step 2.

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, approve City Council Priorities and Goals with the amendment to add the youth diversion program under N, Step 2.**

9. Consideration of a Memorandum of Understanding with Pomona Unified School District (PUSD) for the Provision of Special Public Open Space

It is recommended that the City Council approve the Memorandum of Understanding (MOU) with PUSD and authorize the City Manager to execute the agreement on behalf of City.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER LUSTRO, CARRIED 7-0, to approve a Memorandum of Understanding (MOU) with Pomona Unified School District (PUSD) for the Provision of Special Public Open Space.**

### **DISCUSSION**

10. Finding of Public Benefit to the Community at Large-Recommended Expenditure(s) and Recap of Expended Funds

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

- 1) Approve the expenditure(s) recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended item(s); and
  - A) Amount to be determined to support the 31<sup>st</sup> Pomona Valley Juneteenth Gospel and Jazz Arts Festival – Requested Amount: \$5,000
  - B) Amount to be determined to Latino/A Roundtable in support of Danza Azteca Summer Classes – Requested Amount: \$900.00
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER NOLTE, CARRIED 7-0, to make a finding of public benefit for item A and B.**

11. Adopt a Resolution Approving an Update to the Art in Public Places Policy and Guidelines Manual

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

- 1) Adopt the following resolution:

**RESOLUTION NO. 2021-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN UPDATE TO THE ART IN PUBLIC PLACES POLICY AND GUIDELINES MANUAL**

Ata Khan, Planning Manager, gave the staff presentation.

**Live comment was as follows:**

Gloria spoke about the council not supporting the artists in the community and the lack of communication from staff.

Councilmembers made comments regarding this item.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY MAYOR SANDOVAL, CARRIED 7-0, to adopt Resolution No. 2021-85.**

12. **STAFF REPORT AMENDED**

**Request to Fly the Pride Flag at City Hall in Observation of Pride Month**

**It is recommended that the City Council provide staff direction regarding the request to display a pride flag on the City Hall flagpole during Pride Month.**

Councilmember Preciado commented.

Mayor Sandoval asked City Attorney Carvalho to advise on a city policy regarding flag raising instead of having to put the issue on the agenda every time.

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, approving request to fly the Pride Flag at City Hall in Observation of Pride Month.**

13. Amendment of the Pomona Municipal Code Relating to the Administration of Boards and Commissions and Adoption of Standard By-Laws for All Boards, Commissions and Committees

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

- 1) Introduce, waive further, and give first reading to the following ordinance:



**ORDINANCE NO. 4305 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS 2-522 THROUGH 2-523, 2-525 THROUGH 2-550, 2-553, 2-582, 2-613 THROUGH 2-640 OF CHAPTER 2 (ADMINISTRATION) OF ARTICLE V (BOARDS AND COMMISSIONS), SECTIONS 26-32 THROUGH 26-34 OF CHAPTER 26 (LIBRARY) OF ARTICLE II (BOARD OF LIBRARY TRUSTEES), SECTIONS 38-32 THROUGH 38-70 OF CHAPTER 38 (PARKS AND RECREATION) OF ARTICLE II (PARKS AND RECREATION COMMISSION), SECTIONS 58-385 THROUGH 58-410 OF CHAPTER 58 (TRAFFIC AND VEHICLES) OF ARTICLE VI (VEHICLE PARKING DISTRICTS), AND SECTIONS 70-32 THROUGH 70-34 OF CHAPTER 70 (ADMINISTRATION AND PLANNING) OF ARTICLE I (PLANNING COMMISSION) OF THE POMONA MUNICIPAL CODE RELATING TO THE ADMINISTRATION OF BOARDS AND COMMISSIONS**

2) Adopt the following resolution:

**RESOLUTION NO. 2021-84 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING ADOPTION OF STANDARD BY-LAWS FOR ALL BOARDS, COMMISSIONS & COMMITTEES, AND REPEALING ALL PREVIOUS BOARDS, COMMISSIONS & COMMITTEE BY-LAWS**

City Clerk Rosalia Butler gave the staff presentation.

**Live comments were as follows:**

Guillermo Gonzalez expressed disappointment that the stakeholders were not consulted when drafting this ordinance. He believes the creation of agendas and whether or not meetings are cancelled should not be a city staff function. He stated commission members are a direct extension of elected officials and better equipped to direct the people's business.

Ann Tomkins agreed with many of the revisions to the by-laws. She did agree with the previous speaker about commissioner input and the proposed by-laws should have been presented to commissioners to take their feedback. She expressed concerns about the change to the abstain vote. She stated she would appreciate the opportunity for the commissions to weigh in because commissions are run differently and these by-laws could affect the practical matters of each commission.

City Attorney Carvalho spoke about this item being brought forward at council's request to improve efficiency in the way commissions are run because of the importance they have in helping council with policy decisions.

Councilmembers made comments and asked questions on this item.



Councilmember Preciado requested that the age requirement be removed but he did not have consensus from the other council members.

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to introduce on first reading Ordinance No. 4305 with the removal of the wording "citizen of the state", and adopt Resolution No. 2021-84.**

**14. Discussion on Development Impact Fees**

It is recommended that the City Council review the revised Draft Development Impact Fee (DIF) Update Study prepared by Willdan Financial Services and direct staff to prepare an ordinance for fee adoption.

Anita Gutierrez, Development Services Director, along with Carlos Villareal from Willdan Financial Services gave the presentation with changes from the last draft that was presented to council on April 19.

**\*\* PLEASE SEE ATTACHMENT FOR NINE (9) EMAIL COMMENT READ DURING PUBLIC PARTICIPATION.**

**Live comments were as follows:**

Robert Apodaca, member of California Community Builders non-profit, who believes that home ownership is a pathway out of poverty. He stated that California needs more homes and unreasonable impact fees can be a barrier to construction of new homes. He expressed concern that Pomona has not met the RHNA (Regional Housing Needs Allocation) goals and the adoption of impact fees will be detrimental.

Kyle Brown, member of Clean and Green Pomona, expressed support for the staff's recommendation to adopt the maximum amount for the parks and recreation facilities fee. He spoke about the difficulty in comparing the proposed fees to other cities which was the topic of council's concern the last time this item was discussed. He urged the council not to assume that higher fees will lead to less development.

Mary Jean Neault, member of ICON, spoke in support of adopting the parks and recreation facilities fees and the need to expand the park space in the City. Housing is an important issue in the City and housing and parks should be linked. Safe, well-maintained open green spaces should be valued.

Mike Sutton, member of ICON, spoke about the need to streamline the process for developers to build in the City, paving the way for quality projects. Expanding park space would make the City more desirable and revitalize neighborhoods.



Lisa Engdahl, president of Clean and Green Pomona, expressed support for the increase to the parks impact fee which has not been updated since 1989 at the expense of Pomona residents. She stated that parks contribute to building community relationships and the joy, health and quality of life. Adding green space is an important part of environmental justice and social justice. Lower income cities have less park acreage and Pomona is an example of this.

Adam Donner, member of ICON, spoke in support of adopting the maximum amount for the parks and recreation facilities fee. He stated when the city adopted the General Plan it included the plan for park space. Council has always stood in support of expanded park space but did not have the means to do so. The fees will help increase park space.

Margaret Velarde, member of ICON and Clean and Green Pomona, spoke in support of adopting the parks and recreation fee and Clean and Green's push for open space in Pomona. Housing and population has grown in the City but the open green space is lacking. Social equity is important to communities, especially low income communities. Many Pomona residents must leave the City to enjoy park facilities.

Adam Wood, Building Industry Association, stated that impact fees do affect the buyers and Pomona is lacking in its RHNA goals. He supports a phased in fee structure to help those already in the process of building.

Tomas Ursua spoke in support of the need for green space but increased fees will increase rent and housing prices. Homeowners and renters will be adversely affected. Fees will also deter owners in older areas of Pomona from rebuilding. Property taxes will also increase.

Councilmembers made comments and asked questions about this item.

Councilmember Garcia made comments regarding the overdue need to increase park space in the City.

Vice-Mayor Lustro stated he would like to see the roadway/highway fees, traffic signal fees and storm drains fees increased to help improve infrastructure. He also asked if the industrial category could be split into manufacturing use vs warehouse use because they pose different impacts to the City's resources.

Councilmember Nolte spoke about his belief that increasing park space does not necessarily lead to an equitable city if rent and mortgage prices continue to drive lower income people out of the City. He spoke about the importance of stabilizing housing. He supports a phase in approach.

Councilmember Preciado agreed with Vice Mayor Lustro's changes and supports the maximum park fee. He suggested the City offer benefits to developers that work with the City's housing department to ensure people are not displaced.

Councilmember Torres spoke about his belief that increased fees will cause increased rents and affect building in the City. He stated that he would only support staff's recommendation if there is a phased in approach.

Councilmember Ontiveros-Cole spoke about KMA's recommendation to the City to not go above 4% so she is not in support of these higher fees. She is in favor of park space but believes that other things are important to. She believes that developers won't build and that housing prices will go up if the impact fees are set at the maximum.

Mayor Sandoval stated that he does not support a phased in approach. He said that the City has been discussing this for so long that the building community has been aware that this has been in the works. He supports the policy directives that staff have recommended.

Councilmember Preciado spoke about impact fees not being the only barrier for development in the City, that there have been issues with City processes not being efficient enough for developers to build.

Councilmember Garcia received clarification regarding Vice Mayor Lustro's recommendations.

Councilmember Ontiveros-Cole reiterated her belief that the City should stay under the 4% as recommended by KMA and wanted to make a motion for that.

Councilmember Nolte stated that housing prices are higher now so he believes that the City is under the 4%. He asked for clarification on the roadway and highway fees. He spoke about the importance of these fees and not just park fees. He would like to see an increase here since people speak about the importance of streets when buying a house and not just parks.

Vice Mayor Lustro asked if the roadway fee could be a flat fee rather than a per trip fee for residential. He asked if the model that was presented in April regarding the fees could be considered.

Councilmember Garcia made a motion. Development Services Director Anita Gutierrez asked if the motion meant that staff would provide two scenarios for adopting this ordinance when it is brought to the council for consideration. The Mayor expressed concern for two scenarios since this topic has been discussed for so long and now more changes are being proposed.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 4-3 (COUNCILMEMBERS ONTIVEROS-COLE, LUSTRO AND TORRES IN OPPOSITION), to approve staff's recommendation including the maximum amount for the park impact fee, plus storm and water fee, splitting manufacturing vs. warehouse (as requested by Vice Mayor Lustro), not adding additional fees to road and highway and no phase in approach.**

**PUBLIC HEARING**

15. Adoption of a Resolution Approving the City of Pomona's 2020 Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan

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

- 1) Conduct a Public Hearing; and
- 2) Adopt the following resolution:

**RESOLUTION NO. 2021-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE CITY OF POMONA'S 2020 URBAN WATER MANAGEMENT PLAN UPDATE AND WATER CONTINGENCY PLAN**

Chris Diggs, Water Resources Director, gave the staff presentation

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

**MOTION BY COUNCILMEMBER NOLTE, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 7-0, to adopt Resolution No. 2021-80.**

**MATTERS INITIATED BY CITY COUNCILMEMBERS**

Councilmembers wished the City Manager a Happy Birthday.

Mayor Sandoval spoke about SB 556 and expressed that he would be writing a letter opposing this legislation.

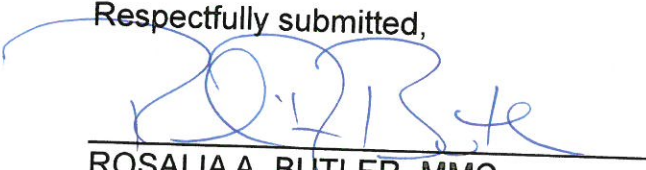
Councilmember Nolte supported the Mayor's opposition and stated he would support a resolution brought to council as well.

City Attorney Carvalho advised that councilmembers could write individual letters but they could not vote to write one letter at this time because this is not an agenda item.

**ADJOURNMENT**


The City Council Meeting was adjourned at 11:27 p.m.

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



**JUNE 21, 2021 REGULAR CITY COUNCIL MEETING**  
**PUBLIC COMMENTS**

**PUBLIC PARTICIPATION**

**FRANCISCO SUAREZ** – I am not commenting on any specific agenda item on the agenda. I am commenting on the Mayor and City council's responsibility to the public and the community at large. Every ten years the City Charter has an opportunity to be changed to reflect the community and its concerns. Police accountability is a great concern to a community that has been subjected to an out of control police department that must be changed to accommodate the community. There must be a police commission with subpoena power and not the "advisory board" proposed by the mayor at the behest of the chief. I have seen this unaccommodating attitude that is evident by the several shootings of unarmed civilians. The City has allowed these unlawful shootings to go on unchecked. Their complaint procedure is slightly improving but not without a grand jury investigation ranking the department very low. Other incidents that come to my mind are Andres Avila that was killed for filing a complaint and the young man who was assaulted at FAIRPLEX whose video was tampered with by the police department in an attempt to cover the beating. These incidents have to be addressed and are tantamount to a police commission with subpoena power to remedy this madness. Thank you.

**CLAUDIA FUENTES** – Pomona Unified School District Child Development Programs is actively enrolling in the pregnant mothers and children ages 0-5 years of age in our early childhood programs. Our programs offered: provide education, mental and health support throughout the pregnancies of moms, infants as young as 8 weeks receive one on one early childhood developmental activities with a teacher, and 3-5 year old children receive interactive and well-rounded education to prepare for Kindergarten. Please see flyer attached. Our offices are open to the public to accept walk-in applications and accept them electronically. Any questions, please feel free to call us at 909-397-4740.

**VINCENT CARPIO** – Councilman Preciado and Mayor Sandoval,  
I'm expecting your response to my email addressed to both of you on May 24, 2021 regarding my concern of Commissioner Fabian Pavon public youtube titled: LilSickofrmPtown which is public at

<https://m.youtube.com/user/LilSickofrmPtown/videos>

I specifically ask you to review his recording titled:

do it in pomona

Puffin on a Swisher

So Sick

In my opinion, is he bragging and boasting with self satisfaction on issues concerning rape, drug trafficking, human trafficking and uses the N word in reference to gun violence and death?

I am perplexed as to your silence, why are you hiding this issue?

Did you not just endorse and celebrate Juneteenth?

Did you not just celebrate women's month?



Did you not condemn gang violence?

Did you not just have fundraisers and photo ops for the border children?

Victor, Tim, and all the rest of City Council Members,

I hold you to a higher Moral Standard rather than Political complacency and expect a response to the community at large, sooner rather than later.

I expect you to play the videos and judge for yourselves.

**RICHARD CASTRO** – Regarding Park and Rec Commissioner Fabian Pavon's comment that gangs should not be taking up space in city parks. Wow! I'm going to have to let Fabian Pavon know Veteranos To Wit Og's are rehabilitated and we possess the wisdom through experience on how and why not to join gangs: so, in essence we are a positive force in our community, and we have the same right as any other law-abiding citizen to congregate at any city park. I do not appreciate him slandering my integrity with his opinion about me and my friends fellowshipping at a particular park.

#### **DISCUSSION ITEM NO. 14 (Discussion on Development Impact Fees)**

**KATHRYN KIRUI** – My name is Kathryn Kirui. I'm a member of Temple Beth Israel, which is a member institution of the Inland Communities Organizing Network. I'm also a member of Clean and Green Pomona. I support updating Pomona's Park Impact Fee according to the recommendations in the current staff report. It's clear that Pomona needs more housing. It's also clear that Pomona needs more public park space. We know that most new housing developments feature a much more dense concentration of housing units than was common in the past. So adding more densely-arranged housing developments to Pomona without adding more park space runs the risk of Pomona becoming a city of cement. Kids need outdoor space where they can be kids. Families need nearby recreation opportunities and gathering places. People of all ages reap big benefits from the chance to be outdoors in natural settings. Pomona also needs an overhauled permit process that will allow developers to get needed permits from the city in the most timely and efficient way possible. Not a city of cold, hard cement, but a city that values natural beauty and a better quality of life for all. We can do this!

**JULIE ROBERTS-FRONK** – I support the staff recommendation to adopt the maximum amount for the parks and recreation facilities fee. It's been over 30 years since the fee was raised and one wonders how much parkland Pomona would have by now. Let's live into the vision of the City's General plan and actually build toward the goal of 3 acres of park land per 1,000 residents. Let's recognize the great social inequities that are perpetuated by not providing residents access to green space. Let's realize that Pomona is not second or third best but deserves to have the same amenities as neighboring cities. Let's be the city of great parks!

**DONALD MARTENS** – Dear Pomona City Council,  
Fair park impact fees for developers are a critical step in realizing Pomona's goal of 3 acres of park land per 1,000 residents, so I support the City staff's recommendation for the Park and Recreation Facilities fees. Through the park master planning process, the city has the opportunity to identify strategies to overcome the current park land deficit, which could include the utilization of city-owned open space, the development of linear



parks along waterways, and wise acquisition of land in underserved neighborhoods. While it may seem impossible to provide more park land in a community that is built out, the opportunities are out there. I urge you to exhibit vision and strong leadership by adopting the maximum park impact fee, and also in the park planning process. Thank you for hearing me out and for all you do for our city.

**JOHN WATSON/JUDE (JUDITH) TIERSMA** – As residents of Pomona, we strongly support the staff recommendation to adopt the maximum amount for the parks and recreation facilities fee. We are fairly new to Pomona, but we can see that Pomona has operated under a system (whether intentional or not) that disadvantages low-income communities. We believe that Pomona desires to be a place of equity for all residents. Adopting the park impact fee is a step toward the goal of 3 acres of park land per 1,000 residents, thus a movement toward a more just Pomona for all residents. Through the park master planning process, the city has the opportunity to identify strategies to overcome the current deficit in park spaces. With some imagination, there could be new opportunities to use city-owned spaces as well as acquiring land in underserved communities. When I ride my bicycle around, I get excited about the possibilities for park space in Pomona!! We urge you to lead Pomona in adopting park impact fees, and provide that same vision and leadership to the park planning process.

**PAUL KAAK** – As a university professor in an academic program focused on environmental studies, I am aware of two global realities that lead me to support the recommendation to accept the maximum amount for the Park and Recreation Facilities fee.

1. There is evidence that well-being in the so-called "healthy cities" of the world correlates with reasonable access to green spaces by all of the city's citizens. And...

2. Significant investments are required to achieve this objective.

Because you've been appointed stewards of Pomona's people and places, I ask you to call for this maximum fee. The result will be an important contribution toward civic flourishing. It's not too late for Pomona to set an example to our regional neighbors. This has already been promised in the General Plan (2014) and the park planning process can take further steps toward meaningful action. As a 30-year resident of this city (and as someone who is privileged to have access to a park), I long for this for all of us. It must start, however, with our City Council taking this bold step on behalf of our personal, ecological, and community health and happiness.

**DAVID HOLMES/ANDREW WONG/LUDMILA DRAKE** – I'm writing to support the staff recommendation to adopt the maximum amount for the Parks and Recreation Facilities Fee. The fee system based on square footage is consistent with the real impacts that new residential development has on our park system, an impact that has been paid for by Pomona residents for decades in the form of inadequate and overcrowded parks. It is essential that developers pay their fair share instead of merely profiting off our community. The proposed fees are justified, and while the staff report shows that the fees are consistent with many communities where development activity is robust, that analysis is limited because total development costs are complex due to structural differences in fees charged by cities, as well as fees charged by outside agencies. In fact, total development costs in Pomona under the proposed fees are less than many other communities when you include fees charged by other agencies or in special districts



where development activity is most robust, in cities such as Chino, Ontario, Upland, Rancho Cucamonga and Orange County communities. This makes it clear that reasonable fees such as these are not a deterrent to housing development in southern California. Adopt these fees now!

**KIEVA KAAK** – As a 28-year resident of Pomona and mother of two adult children raised here, I have always been concerned about the low ratio of parks to residents. City Council members should be mindful that barriers to accessing parklands translates into exclusion and racial disparity and thus is a social justice issue. Pomona's disproportionate number of parks compared to that of better-resourced communities can have a devastating impact on the health and mental health of Pomona's youth. Therefore, I urge the council members to approve the maximum amount for the parks and recreation fee. Additionally, as a graduate social work student interning as a mental health counselor to adolescents, I have seen mental health challenges, such as depression, anxiety, trauma, and grief, mitigated through individuals having contact with nature through parks. Pomona's industrial way of life, coupled with the density of our living spaces, has decreased meaningful contact between outdoor green spaces and ourselves, especially for our children. Please consider the funding of Pomona's parks as a much needed healing balm for the emotional hardships of our beloved children and their families, which will go a long way in preserving the health and dignity of our diverse citizenry.

**RONALD COBAS** – I strongly urge this council to support the city staff recommendation and adopt/increase the Development Impact Fee also known as the Park and Recreation Facilities Fee. In 2014, the city adopted, in the city's General Plan, a goal of 3 acres of park land per 1,000 residents. Today, Pomona is only 1.49 acres for every 1,000 residents. The revenue obtained via this increase would help towards finally realizing that goal. The funds would allow the city to re-consider under-utilized and city-owned open space, and the opportunity to provide much needed "green space" in underserved areas of the city. The park impact fee increase would help Pomona's leaders bring substantive change to plans that have been conceived but not implemented.

**MARIA ELENA GONZALEZ/AMY DONNER/JEFF JOHANNSEN** – I support the staff recommendation to adopt the maximum amount for the parks and recreation facilities fee, because I believe Pomona has suffered too long from a system that disadvantages low-income communities of color. Efforts to keep impact fees artificially low, and thus subsidize outside developers, directly contribute to systemic inequities that limit resources in communities like ours. A new study by the Trust for Public Lands found that minority communities have 44% less park acreage than predominantly white neighborhoods, and the parks they do have are significantly smaller, only half as large on average, yet serve five times as many people. This is due not only to historic injustices in the distribution of public resources, but also current practices that systematically underfund parks in these communities. Failing to hold developers accountable for their impacts is unfortunately common in poor and minority communities and is one of the processes that has perpetuated these inequities. A fair park impact fee is a step toward a just and equitable future. An artificially low park fee is a reinforcement of racial inequities. Please take a step toward a just future and adopt the maximum park fee amount as recommended by staff.