



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

Meeting Minutes - Draft

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

Mayor Tim Sandoval
Council Member Rubio R. Gonzalez
Council Member Adriana M. Robledo
Council Member Cristina Carrizosa
Council Member Elizabeth Ontiveros-Cole
Council Member Ginna E. Escobar
Vice Mayor 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, July 17, 2017

7:00 PM

Council Chambers

CLOSED SESSIONS

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

Tessier v. City of Pomona

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

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

Labor Negotiators: Linda Lowry and Linda Matthews

- C. PUBLIC EMPLOYEE EVALUATION** (Pursuant to Government Code Section 54957(b)(1))

City Attorney
City Clerk
City Manager

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)

Property: 2501 N. Garey Avenue
Negotiating Parties: Landmark West Enterprises, LLC; RKR Investors Real Estate Fund, LLC
Successor Agency's
City's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

Property: 1390 E. Mission Blvd.
Negotiating Party: Gene StalionsTrust
City's Negotiator: Linda Lowry, City Manager
Under Negotiation: Price and Terms

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Public Comment:

No one requested to speak.

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

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

Present at the beginning of the meeting were Council Members Gonzalez, Carrizosa, Ontiveros-Cole, Torres, and Mayor Sandoval.

Councilmember Escobar arrived at 5:55 PM.

Councilmember Robledo arrived at 6:05 PM.

Item A: This item was discussed, direction was provided to the office of the City Attorney, there was no final action taken, and there is nothing further to report.

Item B: A briefing was provided, direction was provided, there was no final action taken, and there is nothing further to report.

Item C: This item was discussed, this item will come back at a later date, there was no final action taken, and there is nothing further to report.

Item D-1: This item was not discussed and will be discussed when the City Council reconvenes into Closed Session after the Open Session.

Item D-2: This item was discussed; direction was provided to Staff, no final action was taken, and there is nothing further to report.

The City Council recessed from Closed Session at 6:55 PM.

7:00 P.M.

CALL TO ORDER

The City Council meeting was called to order at 7:00 PM.

ROLL CALL

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

STAFF PRESENT:

Linda Lowry, City Manager
Andrew Jared, Assistant City Attorney
Eva M. Buice, MMC, City Clerk
Genoveva Rocha, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Councilmember Torres led the Pledge of Allegiance to the Flag.

PRESENTATIONS

- A. The City Council approved and presented a Proclamation proclaiming Tuesday, August 1, 2017 as "National Night Out" in the City of Pomona to Cpl. Gibson.

The Proclamation was presented to Corporal Gibson by the Mayor and City Council.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Robledo thanked fellow Council Members for allowing her to participate in the last

meeting while out of the country; spoke about homelessness and shared parallels between Pomona and the countries she visited in Europe.

Councilmember Escobar reported on the monthly meeting with W.E.L.L. (Water Education for Latino Leaders); noted she will present a report in February to Legislators, therefore, she is planning to meet with State Senators, State Assembly members and Congressmen and Congresswomen to engage in a conversation about water importance; she thanked Mr. Poulsen from the Water Resources Department for a job well done; and shared other water professionals look to Pomona as a model of success.

Councilmember Torres provided a reminder to attend the Pomona Gold Line meeting at Palomares Park on July 18, 2017 (tomorrow) from 5:30-7:30 p.m.

Councilmember Ontiveros-Cole shared she went to a ribbon cutting and CNA graduation event with Mayor Sandoval for the American Medical College at the Village Academy and she encouraged the graduates to continue with their education to become nurses.

Mayor Sandoval encouraged his colleagues and the public to attend the Pomona Gold Line meeting; shared that he and other Council Members attended an event to celebrate Stefano Cheese becoming the largest Italian cheese producer in the Western United States; expressed thanks to the Police Department for their work on the Great Campout; noted Pomona is hosting its first 5K walk-run in historic downtown and encouraged everyone to attend on October 21, 2017 at 7:00 a.m.

CITY MANAGER COMMUNICATIONS

City Manager Linda Lowry did not have anything to report.

PUBLIC PARTICIPATION

Douglas C. Pierce, briefly spoke about his property.

Randy Bekendam, invited Council and the audience to an open house at Amy's Farm this Sunday; spoke about the City of Ontario applying for a \$35 million dollar grant and noted he will be meeting with them about composting; read a list of items the City could spend the grant money on; shared that Pomona meets the grant requirements and encouraged the City to apply next year.

Elinor Crescenzi, expressed thanks for the support of Planned Parenthood; shared concerns about cutting the time of public participation and requested protocol to show Council a slide presentation; spoke about the importance of organic produce and food, and shared the website Whatsonmyfood.org

Dr. Roberta Pearlman, acknowledged three past Garey High School students for their hard work and accomplishments; applause for Audrey and Emily Govea of Smith College and Jocelyn Navarro from Connecticut College

Mayor Sandoval praised their families, Pomona Unified School District and acknowledged the Bright Prospects program they participated in.

Srini S. Bhat, requested to extend the greenbelt in District 5 that is along the Winco shopping center; Mayor Sandoval referred Mr. Bhat to Director Meg McWade.

Victor Preciado, thanked the Council for caring; joined by Lizeth Lopez and Elmer as part of the We Run Pomona Running Group they invited everyone to attend the one year Runniversary on Tuesday, August 1, 2017; shared it is a fundraiser for Pomona graduate, Julia Amanzo, who has been battling cancer for 6 years; noted weekly visits by the organization to Pomona high schools on Tuesday nights.

Mayor Sandoval clarified that people can walk at the event; noted that the speakers were all Ganesha High School graduates and asked each to share the colleges attended; shared he was proud of these young adult Pomona residents; thanked them for the contributions from We Run Pomona; spoke about talent returning to the community to contribute; reiterated that We Run Pomona is the organizer of the 5K on October 21, 2017.

Marilee Weiss, Pomona resident, thanked Councilmember Torres for returning her call; expressed concerns with the homeless population and fire danger in Ganesha Park and Hills; urged the Council to support Councilmember Torres efforts; requested a neighborhood watch meeting to share remedies; expressed her love for the Mayor and City Council; Mayor Sandoval directed Ms. Weiss to Neighborhood Services Director Benita DeFrank and suggested she set a date with Councilmember Torres for a community meeting.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER TORRES, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7 0, to Approve the Consent Calendar with Item No. 4 being pulled for discussion.

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

1. Award of Contract to the Volunteers of America Los Angeles as the Selected Qualified Operator of the Centralized Service Center for an Initial 5 Year Period

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

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

2. The City Council adopted a Resolution appropriating \$183,712 from Fund Balance and Approve the Purchase and Installation of Critical Information Technology Infrastructure, Software and Security Software Upgrades

RESOLUTION NO. 2017 107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROPRIATING \$183,712 FROM FUND BALANCE AND APPROVING THE PURCHASE AND INSTALLATION OF CRITICAL INFORMATION TECHNOLOGY INFRASTRUCTURE, SOFTWARE AND SECURITY SOFTWARE UPGRADE

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

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

3. The City Council authorized the City Manager to execute a contract with Personnel Data Systems Inc. (PDS) to install and implement a new Human Resources, Payroll and Timekeeping Software Program for an Amount Not To Exceed \$163,980 and Adopt a Resolution Amending the FY 2017-18 Capital Improvement Program (CIP) Budget by Appropriating \$21,663 in Series "AV" Bond Funds for "Financial Software Project," Project No. 428-2590-xxxxx-71048

RESOLUTION NO. 2017-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE 2017-18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$21,663 IN SERIES "AV" BOND FUNDS FOR "FINANCIAL SOFTWARE PROJECT" PROJECT NO. 428-2590-XXXXX-71048

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

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

4. Adoption of a Resolution approving a lease agreement with Jucchou Corp for the use and operation of Palm Lake Golf Course

RESOLUTION NO. 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A LEASE AGREEMENT WITH JUCCHOU CORP FOR USE AND OPERATION OF PALM LAKE GOLF COURSE

This item was pulled for discussion.

ITEMS PULLED FOR DISCUSSION

4. Adoption of a Resolution approving a lease agreement with Jucchou Corp for the use and operation of Palm Lake Golf Course

RESOLUTION NO. 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A LEASE AGREEMENT WITH JUCCHOU CORP FOR USE AND OPERATION OF PALM LAKE GOLF COURSE

Danny Oaxaca, Deputy Director of San Gabriel Valley Conservation Corp (SGVCC), shared concerns about the staff recommendation for the approval of the Jucchou Corp. proposal; commented on the opportunities offered to at-risk youth in Pomona and the purpose of the Conservation Corp; noted he and his staff have not been contacted about the proposed use of the golf course.

Monique Manzanares, spoke on behalf of San Gabriel Valley Conservation Corp; shared her experience as a volunteer for their program; noted such programs enrich the community; requested Council to consider their proposal; expressed a revitalized golf course would be amazing to see.

Jeffery Hirose, thanked the Mayor and Councilmember's for their work; expressed excitement for winning the proposal and shared he is looking forward to working with the City and Mt. Sac to bring back Palm Lake Golf Course.

Mayor Sandoval clarified there had not been a decision made it was staff's recommendation to approve.

Jorge Valencia, spoke on behalf of San Gabriel Valley Conservation Corp; shared his background and work experience with similar projects for the City of Chino golf course and Army corps of engineers; expressed a want to help Pomona.

James Ochs, Golf Links Management, submitted a proposal to provide Pomona youth with hands-on work training; shared company background, noting 20 years of experience, international and national recognitions for developing youth programs.

Estela Gonzalez, supported the golf course, but did not wish to speak

Development Services Director Lazzaretto gave the City Council a brief overview on this item; issued two Requests for Proposals (RFP), the second resulted in 4 proposals to lease and operate the golf course; rated these proposals and made a staff recommendation based on RFP criteria; noted it was not clear to include San Gabriel Valley Conservation Corp in the proposal, therefore, if that was the direction of the council, he recommends a re-issue of another RFP.

Councilmember Robledo responded that Council did request youth programs be included but didn't provide specifics; requested more information about the types of youth programs included in the proposals.

Director Lazzaretto responded that all four proposals included ideas for youth programs and partnerships; three of four were interested in making it a satellite afterschool recreation center with programming.

Councilmember Robledo spoke about local hires and asked for information from the proponent regarding local hires.

Director Lazzaretto responded that local hires were not included in the proposals; recommended Councilmember Robledo direct specific questions to the proponents present.

Councilmember Robledo requested the opportunity to ask question to the proponents, but recommended waiting until all Councilmember's have spoken.

Councilmember Gonzalez requested Mr. Voelker speak about his proposal; asked him to clarify the specifics of partnering with Pomona Unified School District and San Gabriel Valley Conservation Corp, noting the proposal was vague.

Mr. Voelker responded that they are not excluding anyone and open to strategic partnerships; noted he approached this as a business proposal, so it was brief and succinct, and it did not address specifics; shared he had a positive discussion with the coach from Garey High School; expressed concerns about the lack of ability to elaborate on the proposal; stated his company is all about the community and will provide subsidizing; noted the significant investment into the number of trees as one of his businesses is palms.

Councilmember Gonzalez spoke about Mr. Voelker's 15 year initial investment of over \$600,000; commented positively on the proposal and that it contained a local hiring component and 15 year term with a 15 year renewal.

Mr. Voelker confirmed the initial investment would be immediate with a goal to recoup it over the first 15 year term; spoke about the potential to teach young people business skills by hosting business community functions.

Councilmember Gonzalez thanked Mr. Voelker and Mr. Oaxaca for having patience with the process; encouraged proponents to work with San Gabriel Valley Conservation Corp.

Mr. Voelker shared he spoke with Mr. Oaxaca after the last meeting and is open to working with the San Gabriel Valley Conservation Corp.

Councilmember Gonzalez shared the proposal did not give the feeling of wanting to work with local entities and thanked Mr. Voelker for the clarification.

Councilmember Ontiveros-Cole spoke about the rating system used for the 4 proponents; expressed her desire to make sure there are jobs for our kids and noted the previous conversation with Council to involve the San Gabriel Valley Conservation Corp; asked Director Lazzaretto about the timeline for executing the contract and a reopening of this historic area.

Director Lazzaretto responded to Councilmember Ontiveros-Cole; stating that a draft lease agreement approved by legal counsel was included in the staff report therefore whatever operator is chosen, as long as they have insurance ready, could start in two weeks; noted that opening timelines varied by the proposals, weeks to months; shared that some proposals included requests for financial participation from the City, which would increase the timeline; stated Proposals 1 or 2 did not require any City money, Mr. Voelker requested agricultural water rates and Mr. Oaxaca requested city pay utilities of approx. \$100,000 a year; spoke about the current monthly spending to keep the Golf Course clean and alive.

Councilmember Ontiveros-Cole spoke about the history of the project; commended Mr. Gonzalez for his hard work with the Golf Course; shared she wants to make sure they move forward with a concrete foundation so they don't have this problem again.

Director Lazzaretto spoke about the need to contract with someone who has sufficient capital; noted that the future operator will be required to pay a \$10,000 down payment for two water billing cycles and demonstrate \$100,000 in a line of credit or cash.

Councilmember Carrizosa inquired into the reasoning of the financial aspects of the contract, \$100,000 investment within the next 5 years and payment of 10% of net profit to the City after \$150,000 or more is generated in net profit.

Director Lazzaretto clarified that those were the applicant's numbers and the City did not do any negotiating.

Councilmember Carrizosa spoke about San Gabriel Valley Conservation Corps role in mentoring and providing a vital high school experience and job training; inquired if the proponent would be amendable to working with Mr. Oaxaca and allow the Conservation Corp to do some of the work; inquired about the possibility of giving up the City's portion (10%) of the revenue for the first year if the net profits exceed \$150,000.

Director Lazzaretto responded that they do not expect to see revenue in the first couple of years as it will be written off in their net investment.

Councilmember Carrizosa shared she believes the golf course can be restored and is hoping to find a way to benefit the city, the proponent and the youth.

Director Lazzaretto suggested starting with the 10% profit sharing at year 6 when the lease renews.

Councilmember Carrizosa asked Mr. Hirose if he would be amendable to her ideas.

Mr. Hirose responded that anything is possible, he is hoping to make a profit within the first five years; noted a lot of improvements need to be done; shared the need to speak to his business advisor and attorney.

In response to Councilmember Carrizosa's request, Director Lazzaretto clarified that the Council would like to ensure Mr. Oaxaca's group is included in the initial rehab work and ongoing maintenance at the golf course; encouraged Council to do background checks on the proponents to ensure the commitment.

Mayor Sandoval asked Mr. Hirose for his response based on Director Lazzaretto's clarification.

Mr. Hirose replied yes he would be willing to work with the City and meet with Mr. Oaxaca about working with San Gabriel Valley Conservation Corp.

Councilmember Robledo asked Mr. Hirose if the numbers in the proposal came from previous work; thanked Mr. Hirose for his response to working with San Gabriel Valley Conservation Corps.

Mr. Hirose responded that 99% of the proposal was the same.

Councilmember Escobar spoke about the issue of using local hires; encouraged Council to stipulate that the proponent will work with Mr. Oaxaca and the Conservation Corps or another community entity in the rebuild.

Mr. Hirose responded he was looking to hire locally.

Councilmember Carrizosa wished to make a motion; needed the assistance of Assistant City Attorney Jared to clarify the process.

Assistant City Attorney Jared clarified the complications; recommended the Council stipulate that the parties negotiate and bring back a new contract so that the City has something definitive before them to avoid a potential breach of contract.

Assistant City Attorney Jared asked Mr. Hirose if he was amenable to include the conservation crops in his proposal.

Mr. Hirose shared he would talk to his attorney.

Councilmember Robledo inquired if it was appropriate to table the discussion and bring it back to the August meeting.

Mayor Sandoval stated that direction to the Counselor is to discuss further, bring back at August meeting; spoke about the urgency to move on due to the school calendar noting the need of coaches to use the facility.

Councilmember Carrizosa asked for clarification for the actual disposition and tabling the discussion; noted that the general consensus of the Council is to go with the proponent pending the negotiations to include the stipulations.

Mayor Sandoval stated Council is mindful that there are other proposals and of the staff recommendation; reiterated the role of an organization like the San Gabriel Valley Conservation Corp; asked for legal counsel to move forward in a manner that is equitable.

Assistant City Attorney Jared stated the Council is indicating that the Jucchou Corp. proposal is the strongest, however, Council would prefer if to include San Gabriel Valley Conservation Corp; noted the City currently does not have such an agreement; and recommends that all parties sit down and negotiate.

Mayor Sandoval clarified the legal right to negotiate; inquired if negotiations can be brought back by the next council meeting by Mr. Hirose.

Assistant City Attorney Jared replied that this is correct; he would be working with them to draft a contract for approval.

Councilmember Carrizosa stated she agrees with the plan; expressed concerns of revenue sharing; asked Director Lazzaretto for clarification about the 10 percent profit-sharing in the 6th year.

Director Lazzaretto stated the contract currently reads that anytime there was a net profit over \$150,000 per year the City would get 10 percent; clarified that Councilmember Carrizosa is suggesting that the city forego that money for a period of time; shared there is currently a cost stated in his agreement for maintenance, which may vary from Mr. Oaxaca's therefore the need to merge the two proposals and bring back a draft lease agreement for approval.

Mayor Sandoval noted this item will be continued and asked Assistant City Attorney Jared to work on this draft in preparation for the next City Council Meeting.

City Council directed staff to participate in discussions regarding the potential of Mr. Hirose and Jucchou Corp., utilizing the services of SGVCC at Palm Lakes and to bring this item back on a future agenda.

DISCUSSION CALENDAR

5. Finding of Public Benefit to the Community at Large for Recommended Expenditures and Recap of Approved Funds

CURRENT REQUESTS:

- A) Amount to be determined to the Fraternal Order of Eagles #2215 in support of their Car and Bike show. Amount requested: TBD

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to Approve Findings of Public Benefit to the Community at Large.

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

6. Introduction and First Reading of an Ordinance Implementing a Permitting and Regulatory Scheme for Indoor Personal Marijuana Cultivation and to Prohibiting Smoking Marijuana in Designated Areas

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA AMENDING CHAPTER 34 OF THE POMONA CITY CODE TO ADD ARTICLE X TO CHAPTER 34 TO IMPLEMENT A PERMITTING AND REGULATORY SCHEME FOR INDOOR PERSONAL MARIJUANA CULTIVATION AND TO PROHIBIT SMOKING MARIJUANA IN DESIGNATED AREAS

Assistant City Attorney Jared gave a brief presentation on this item; provided the amended ordinance; clarified the purpose of this discussion was 1) direction from Council was to bring back regulations on personal cultivation, 2) to clarify where smoking marijuana would be allowed, 3) to bring a proposal on the ban of commercial activities; clarified the agenda noting the land use regulation is for discussion only, so the Council can provide direction to the Planning Commission; provided a brief overview on AUMA.

Mayor Sandoval inquired into the latitude of landlords to restrict smoking or growing of marijuana.

Assistant City Attorney Jared responded that Mayor Sandoval's question is a private party issue; shared there are some cities that have city-wide ordinances to prohibit smoking of tobacco in multifamily properties; noted the proposal tonight does not address smoking specifically, rather, the proposed regulations require that in order for the City to grant a cultivation permit there must be written consent by the landlord.

Mayor Sandoval clarified that private party means that the landlord would ban any smoking on their property.

Councilmember Carrizosa inquired if smoking in apartment common area courtyards was legal.

Assistant City Attorney Jared replied that the issue of defining public space is clarified in the ordinance; noted that under state law, he would interpret any place that is visible from a public accessible place (i.e. courtyard, patio, balcony) is public place; shared drinking alcohol in your front yard is illegal therefore the regulation presented tonight is not inconsistent with other state law with past Pomona practice.

Assistant City Attorney Jared continued with a brief history of medical marijuana dispensary regulations in Pomona; resulted in a 2 year period of evaluating options, culminating in an amendment to a zoning code prohibiting "medical marijuana dispensaries"; noted in Pomona there have been numerous dispensaries opened that City has shut down; shared there are currently 2 operating in the city, the intent is to shut them down.

Mayor Sandoval clarified that these dispensaries know it's not legal, however, they open anyway, knowing the closure process takes time, therefore they still make money; inquired what recourse the City has to address illegal revenue.

Assistant City Attorney Jared responded that ordinances exist to seek discouragement of profits, when a business is conducting illegal activity that is unfair to all other businesses; shared code 17-200 which states when one is breaking the law in business all profits can be discouraged; noted the difficulty of enforcing this ordinance in a cash business with inconsistent bookkeeping; cities have done it in the past however it may be throwing good money after bad.

Assistant City Attorney Jared continued with the history of marijuana policy; shared staff recommendations in Attachment 1 and 2; shared the May 22 direction from Council was to proceed with a ban; spoke about the email received by City Clerk Buice and clarified that there is nothing drafted that will impose a tax; noted the city has the right to impose a tax, but that is not currently on the agenda; detailed of the proposed amendments as follows:

Section 34.901 - an amended ordinance clarifying the cultivation prohibitions, not prohibitions in general; added cultivation in the title; states no personal cultivation without permit, no outdoor or commercial cultivation allowed in Pomona.

Section 34.902 - indoor personal marijuana cultivation regulations; states Pomona will regulate personal cultivation as much as possible under AUMA; allowed to regulate for health, safety and welfare purposes; intent to ensure compliance with state and local

regulations, ensures residential structure remains residential by allowing inspection of the permitted and limits unsecured possession to 28.5 grams, any more would have to be in a personal safe; requires consent of landlord or homeowner.

Councilmember Carrizosa inquired about the regulations in proximity to schools for private cultivation.

Assistant City Attorney Jared clarified that AUMA regulates the distance from schools for the use and outdoor cultivation, however, does not prohibit indoor cultivation.

Councilmember Carrizosa spoke about a house directly across from a kindergarten and inquired about the lack of constraints.

Assistant City Attorney Jared clarified to Councilmember Carrizosa that the restraints proposed keep the cultivation activities inside a residence and not observable from the outside.

Assistant City Attorney Jared continued that the local regulation being proposed would require that offsite nuisances be eliminated and allow for the City or private (neighbor) to bring a suit to address daily doses of marijuana going off the site, smells, etc.; noted that smoking or incinerating is only one method of marijuana use, and the current trend is heating product taking vapors, oil, wax or other concentrates for use; noted the intent is to ensure compliance with building codes for health and safety reasons.

Section 34-903 - addresses smoking and use; affirms smoking should not be in any public place, viewed from a public property or where tobacco use is prohibited; no environmental impact detectable offsite (vapors, smoke, etc.)

Assistant City Attorney Jared elaborated further on the amendments; added the definition of cultivation from AUMA means any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of marijuana; amended definition of Electronic Smoking Device to include current technology and enforcement as industry evolves; amended the title of Cultivation. 34-900, deleted section on Prohibition Smoking and Use from 901, and moved to 903, 34-902 (d)(1)(f) added clarifying language regarding the production of marijuana is for personal use must be cultivated and processed at the specified location; noted other typographical changes - "and", "an", tense changes; Attachment 2 bans cultivation, manufacturing, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of marijuana or marijuana products for commercial uses; expanded to include all marijuana related activities a State License is required for, currently there are a number of license types being considered by the State;

Final staff recommendations include:

1. Approve the code amendment for introduction and first reading, as amended in Attachment 1.
2. Hold second reading of the code amendment on August 7 or September 11 or with Planning Commission recommendations at a future date.
3. Send Attachment 2 to the Planning Commission to consider the ban

Councilmember Torres inquired into the penalties for someone in violation of this new ordinance.

Assistant City Attorney Jared responded that as with all city codes penalty is a citation or misdemeanor; noted the ordinance includes language to be addresses as either; noted a citation is criminal in nature and addressed at West Covina Traffic Court and with an administration citation, penalty fees go back to the City.

Councilmember Torres asked for clarification about what part of the money comes to the City.

Assistant City Attorney Jared shared that he could provide, at a future meeting, a presentation of how code compliance violations monies could come back to the City.

Councilmember Gonzalez questioned the proposed ordinance banning all commercial cannabis related uses and the effective date of January 1, 2018 allowing the State to be the only licensing entity, which will result in commercial operations to open legally in Pomona; asked about the disconnect of the State overturning the City's ban and the difficulty of imposing local regulations on such operation.

Assistant City Attorney Jared clarified that Pomona's ban will remain come January 1, 2018; noted the State will start issuing licenses after January 1, 2018 and if the City decides to do something different, then the ban can be overturned or modified at any time; noted that by not doing a ban at this time will result in permit fees being allowed on January 2, 2018.

Mayor Sandoval clarified the importance of taking action between now and January 1, 2018 otherwise regulation goes to the State.

Assistant City Attorney Jared confirmed that the deadline for Pomona is December 31, 2017 to avoid the argument that someone can open a dispensary "by right"; elaborated on the specifics of the timeline, noting the referendum period, first and second readings requirements; reiterated tonight's purpose to provide direction and move this item to the Planning Commission to avoid State regulation.

Councilmember Carrizosa asked for clarification of the language in the ordinance on page 6 of 17, third paragraph; inquired if the term Sativa was inclusive of Indica; stated it should be more specific; noted the different effects of these two different plants.

Assistant City Attorney Jared shared the intent was to include all cannabis varieties; noted the genus is cannabis and confirmed that Sativa and Indica are two different species; recommended language to include any parts of the plant genus Cannabis.

Councilmember Escobar commented on the variety of species and applications; questioned how the oils, balms, and dabbing will be controlled; inquired if someone putting a balm on for arthritis in public is against the law.

Assistant City Attorney Jared responded it would be prohibited for sale; noted that would be included in the definition Councilmember Carrizosa was directing us to; replied to Councilmember Escobar that yes the application would be illegal but hard to enforce and/or identify that the substance being applied contains a resin of the plant Cannabis.

Andrew Quinones, Pomona, spoke in opposition of the ban on marijuana; spoke about allowing people with medical needs to alleviate pain to grow outdoors.

Shelley Schmidt., City Clerk Buice read into the record an email received at 5:13 p.m.; who spoke in support of the ban of large scale sales, production, marketing, deliveries and dispensaries; spoke in opposition of the ordinance to ban marijuana cultivation on personal property for personal consumption.

Andre Bishop, left without speaking, but indicated support of medical cannabis

Mayor Sandoval asked for clarification of issues mentioned in Ms. Schmidt's email.

Assistant City Attorney Jared shared that AUMA has a tax on cultivation, various rates for various parts of the plant, the State has a tax on the sales and the State prohibits cities from taxing medical marijuana; noted that the City has discussed a fee for permit issuance, administration and enforcement, however, that is not proposed tonight, but rather a resolution presented after a fee study; explained that the statement that "the State has always allowed the cultivation for personal consumption" is not true and provided history of prohibition and cultivation laws; spoke about Prop 215, as it allows an individual or caregiver to grow for medical use; noted the proposed ordinance would not step on Prop 215 rights to collectively or collaborate grow.

Mayor Sandoval opened this item up to Council discussion.

Councilmember Carrizosa spoke in support of the ordinance, expressed concerns about the enforcement in relationship to the property owner having to give permission to the renter to grow; inquired how to enforce.

Assistant City Attorney Jared explained the enforcement mechanism is having someone fill out a permit application, in which, the landlord would have to sign an affidavit that is notarized giving the tenant the right to grow.

Councilmember Carrizosa shared concerns of this process; stated it will be difficult to get everyone to complete and go into homes.

Assistant City Attorney Jared replied to Councilmember Carrizosa that the idea isn't to create a law and catch everyone. The idea is to have a regulatory scheme in place to enforce when a large commercial cultivator, who doesn't have a permit, is caught growing in a single family home; noted the focus is to ensure the personal use exemption doesn't become the next loophole, the way "collectively and collaboratively" became in the early days of medical marijuana.

Councilmember Ontiveros-Cole asked if the ban would eliminate anyone coming in for the commercial cultivation.

Assistant City Attorney Jared responded it will; noted Attachment 2, with Council's direction, is a ban on commercial activities, which would then go to the Planning Commission. At that point Planning Commission would make a recommendation to City Council about the zoning ordinance for the final say.

Councilmember Ontiveros-Cole inquired about the impact on those of certain socioeconomic situation mentioned by Mr. Quinones; noted some people will not be able to afford and would definitely be affected by this; asked about smoking for medical use outdoors.

Assistant City Attorney Jared responded the ordinance would not affect their ability to use medically or recreationally indoors.

Mayor Sandoval commented on the decision and the impact on the community; stated he has strong feelings about the direction the Council should go; shared an example of a resident at a recent orchestra performance who spoke about a noticeable marijuana smell and the fact it drove people away; spoke in support of the ban based on his understanding and experience, however, noted the importance of community input; read a document from the Los Angeles City Council; encouraged Council to consider, with a narrowed timeline, a similar platform mentioned in the documents; expressed a need for public comment and there are residents that may be unaware; shared he was mindful of the timeline, therefore, this is not meant to be intrusive or create an issue where we have to relinquish our right to the State; noted this would require direction with only one meeting remaining before recess to September.

Councilmember Carrizosa agreed with Mayor Sandoval's comments about the impact on the entire City and the importance of citizen meetings in each district.

Councilmember Torres shared he was going to suggest hosting a meeting at a mutually beneficial location and supports Mayor Sandoval's idea; noted residents will inquire what the Council is doing.

Mayor Sandoval asked if the Council would support him sitting down with City Manager Lowry and the City Attorney to work out a timeline to have Council Meetings and Planning Commission Meetings coincide with Community Meetings.

Councilmember Escobar expressed concerns about the scheduling of staff, our town hall meetings and all of our committees. Was not in support of having a meeting in every district due to time constraints and suggested having 3 meetings with 2 Council members in attendance at each meeting.

Mayor Sandoval appreciated Councilmember Escobar's recommendation; requested to have the latitude to meet with the City Manager and City Attorney to put together a plan to bring to Council at the next meeting in August.

Councilmember Carrizosa suggested schools as meeting locations, as people are more likely to attend.

Mayor Sandoval encouraged the consideration of other opportunities to invite the community to comment (i.e. Coffee with the Mayor and Council Member); shared he will work on a timeline and bring it to the next Council Meeting.

Councilmember Carrizosa commented that the agenda at these meetings should be limited to only this issue.

Councilmember Gonzalez expressed concerns noting 60% of Pomona residents voted in favor of the legalization, and we need to be mindful of this if the Council is going to approve a ban.

Mayor Sandoval commented that there are a lot of people that cannot vote (i.e. Youth), yet have strong opinions; stressed the important of due diligence to seek input from the community.

Councilmember Carrizosa reiterated that the ban is proposed to give the Council time to come up with City ordinances.

Councilmember Escobar asked if the City Manager or Mayor Sandoval could send a letter to Pomona Unified School District for a formal opinion; commented she wants to ensure children have zero access to marijuana. City Manager Lowry responded she would reach out to the School District.

Assistant City Attorney Jared shared that the staff recommendation was to hold the first reading of the ordinance tonight; noted the reading doesn't approve it, but rather provides direction from Council for future discussion; stated that waiting until August 7th may be too late; recommended looking at the first reading and discussing tonight so its complete and the City can move forward, then have a period of comment before the Planning Commission meetings.

Mayor Sandoval clarified Assistant City Attorney Jared's recommendation was to make a decision on the current proposal from staff, in anticipation of a second reading based on community input, then the Council can make adjustments at that time.

Assistant City Attorney Jared clarified the purpose of the first reading; noting that votes can change at the second reading; recommended included the changes discussed regarding the genus cannabis and other changes in red and green that were included in the version provided.

Mayor Sandoval clarified this is first reading giving direction to move forward, however, it does not prohibit from making adjustments to the proposed ordinance or voting differently at a later date.

Councilmember Gonzalez inquired if the Planning Commission will provide advice before a second reading.

Assistant City Attorney Jared responded that second reading will most likely take place in September after public meetings; the Planning Commission will hear this and weigh in by late August.

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to approve the Introduction and First Reading of an Ordinance Implementing a Permitting and Regulatory Scheme for Indoor Personal Marijuana Cultivation and Prohibiting the Smoking of Marijuana in Designated Areas as amended, strike the word Sativa, and hold the Second Reading after the community meetings have been held.

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

PUBLIC HEARINGS

- 7 Public Hearing - Adoption of the FY 2017-2018 Annual Action Plan Funding Recommendations for Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME) and Emergency Solutions Grant (ESG) Funds, and Amend the 2017-2018 Operating and Capital Improvement Budgets.

RESOLUTION NO. 2017-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING THE FY 2017-2018 ANNUAL ACTION PLAN WITH FUNDING FOR COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS AND EMERGENCY SOLUTIONS GRANT FEDERAL ENTITLEMENT PROGRAMS, AND AMENDING THE 2017-2018 OPERATING AND CAPITAL IMPROVEMENT BUDGETS

Neighborhood Services Director Benita DeFrank gave a brief presentation on this item; noted this was the second of two public hearings regarding Federal funding from HUD that are attached to the Consolidated Plan and Annual Action Plan; the funds are Community Development Block Grant (CDBG), Emergency Solutions Grant, Home Funds and NSP Funds. The City Council is to make final awards of CDBG funding; other funding had been brought forward as part of the first hearing; CDBG was not allocated at that time and tonight we are looking for final allocations. There is a regulatory/mandatory submission in August of the Annual Action Plan and the allocations are part of that, without this plan the City will not receive funding. Some Councilmembers have provided direction for staff allocation of funding, some have not; would like to confirm what has been provided and allocate funding for those who have not had a chance to provide staff direction

Councilmember Escobar spoke about her allocations; requested of her colleagues the need to complete afterschool funding.

Councilmember Torres inquired about funding for the La Casita Teen Program; allocated \$5,000.

Councilmember Robledo clarified that traditionally the Councilmember in the district funds the entire project.

Councilmember Torres funded the remainder for the request.

Mayor Sandoval asked if Councilmember Torres would like more time to review his decision.

MOTION TO OPEN THE PUBLIC HEARING BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0.

Manuela Flores, representing Padres Casa Grande afterschool program and its parents; shared she spoke with Mayor Sandoval, Councilmembers Ontiveros-Cole and Carrizosa about their program; shared specifics of the program and spoke about the benefits; requested a response to the proposal for the 2017-18 program; noted classes begin August 10 and asked for advice of how to proceed for the coming year; she invited Councilmembers to see their program.

Mayor Sandoval inquired if they were on the list for funding and the location and asked Director DeFrank to comment on the process. Ms. Flores responded they were located at 1302 Kinglsey Ave. in an apartment complex.

Director DeFrank clarified they were connected to the Lincoln Avenue Church Afterschool Program which has an application on file.

Antoinette M. Lewis, parent, tutor and board member for Claremont Afterschool Program thanked the Council for their previous contributions; provided specifics, demographics and statistics of the programming provided to the academically at-risk elementary students of Pomona and Claremont; requested support for the program from the Council and invited Council to visit the program.

MOTION TO CLOSE THE PUBLIC HEARING BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0.

Director DeFrank, at the requested of the Mayor explained the allocation process; noted some allocations have already been provided; at this time Councilmembers can keep money where it is or move to another area; reminded Councilmembers projects with low allocations may need to be reconsidered; and both public and non-public programs can be allocated to.

Councilmember Carrizosa stated her allocations.

Councilmember Escobar stated a need of \$5,053 for the Phillips Ranch Westmont Afterschool program; to keep everything in street improvements and requested a list of streets.

Mayor Sandoval shared they we will come back with \$5,053 later in the meeting.

Councilmember Torres stated his allocations.

Councilmember Carrizosa stated updates to her allocations.

Councilmember Ontiveros-Cole stated her allocations.

Councilmember Robledo updated her allocations to assist Councilmember Escobar with Phillips Ranch Westmont funding; inquired what caused Boys and Girls Club and Fist of Gold to move to the "Not Recommended" the list.

Director DeFrank responded that the Boys and Girls Club did not meet the threshold of the City point system on their application and Fist of Gold struggled with the administration of the grant funding.

Mayor Sandoval's allocations were confirmed.

Director DeFrank explained that the Neighborhood Services Department Homeless Services Program was requesting funding for items they can't purchase with the Emergency Solutions Grant.

Councilmember Carrizosa updated her allocations to include \$500 to the Operation School Bell program and \$500 to Councilmember Escobar for the Phillips Ranch Westmont afterschool programs.

Councilmember Robledo allocated \$1,000 to Councilmember Escobar for Phillips Ranch Westmont afterschool programs.

In response to Councilmember Robledo's inquiry about the time period for reallocation, Director DeFrank responded November.

Director DeFrank confirmed to Councilmember Escobar that she could use discretionary funds to fill the void for Phillips Ranch Westmont afterschool program.

Mayor Sandoval stated updates to his allocations; \$3,500 for Youth Employment and \$500 for Lincoln Avenue Church, Casa Grande.

Director DeFrank confirmed Public Works will get the recommendation of the Mayor Sandoval's allocation for specific street repairs.

Mayor Sandoval shared the streets he specified are Mountain to San Antonio on San Jose/La Verne and the entrance into the mobile home park off Dudley on Vejar.

Councilmember Robledo stated if necessary \$51,000 can be allocated to those areas.

Director DeFrank stated all monies had been allocated and Annual Action Plan would be submitted to HUD.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0.

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

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Robledo thanked staff for their continued efforts, being flexible and additional time.

Councilmember Escobar requested Public Works staff draft a parking layout for Old Pomona Road to assess feasibility of parking without closure to State Route 71; requested to add Latino Educational Fund Back to School Backpack and School Supply Giveaway as future item on Funding of Public Benefit agenda at the next meeting, noting they need \$1500.

Councilmember Ontiveros-Cole expressed concerns about people going through blue containers; noted a mess on the streets and requested something to reinforce the ordinance; mentioned illegal dumping in the alley on Towne Avenue between 8th and 9th, requested a "no dumping" sign.

Councilmember Carrizosa added to Councilmember Ontiveros-Cole's concerns about illegal dumping; requested Director McWade and Mr. Perez visit a park in District 2 with piles of trash, suggested renting a trash bin and allowing people to dump in areas that are known hot spots and inquired about the cost.

Mayor Sandoval shared he spoke with a gentleman who works for Waste Management in Baldwin Park; they have dedicated trucks for illegal dumping; requested staff inquire into what is done at the City of Baldwin Park.

City Manager Lowry commented that staff is handling the issue due to the expense of a hauler; shared the City's history of hiring additional haulers to address illegal dumping and the impact of the homeless encampments; noted the City was awarded a grant which will assist; stated she would be happy to get the Baldwin park information noting Pomona's own experience and history.

Mayor Sandoval responded to rescind his request.

Councilmember Carrizosa asked staff to provide the cost of renting dumpsters. City Manager Lowry shared she could provide the different bin rates from the City's commercial haulers.

Mayor Sandoval asked who is responsible for removing a couch outside an apartment complex, the hauler at the location or the City. Director McWade responded it is not the responsibility of the City; it is the responsibility of the apartment owner who has a contract with the hauler.

Mayor Sandoval asked Director McWade if the City's does the removal can the City charge the hauler. Director McWade responded they don't have a mechanism to charge the hauler; clarified it is the responsibility of the landlord or property owner; clarified that renters have a bulky item pick up program with the City that is enforced differently; noted any multifamily location with more than 4 units have a commercial hauling agreement.

Councilmember Carrizosa and Mayor Sandoval asked staff to explore ways of charging the property owner; Mayor Sandoval noted most tenant pay a deposit.

Mayor Sandoval requested to add the 5k Run as an item on the "Finding of Public Benefit" at the next meeting; invited the audience and colleagues to attend a litter pickup tomorrow morning at 8:00 a.m. noting they would be cleaning the area along Cypress and along the railroad tracks; shared last Tuesday they picked up 15 bags of litter.

Councilmember Gonzalez invited everyone to the following events: Tuesday, July 18, 2017 (tomorrow) - 5:30 p.m. Gold Line Meeting at Palomares Center and 7:00 p.m. Purpose Church for a sex trafficking protest; Thursday, July 20, 2017 at 8:00 p.m. Ganesha Concert Band, he will be the emcee; Sunday, July 23, 2017 from 5:00-8:00 p.m. Barbara Greenwood Kindergarten grand reopening, \$10 admission.

RECESS INTO CLOSED SESSION

The City Council recessed into Closed Session at 10:47 PM.

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION DISCUSSIONS

Councilmembers Present: Gonzalez, Robledo, Carrizosa, Torres, and Mayor Sandoval

Item D1: This item was discussed, there was a unanimous consent from the City Council to approve the sale of the parcel, direction was provided to Staff to bring a sales agreement at the next council meeting in open session.

ADJOURNMENT

The City Council meeting was adjourned at 11:25 PM.

The next regular City Council meeting to be held on Monday, August 7, 2017. Closed session will begin at 5:30 p.m. and the open session shall commence at 7:00 p.m. in the City Council Chambers.

Respectfully submitted,

ATTEST:

EVA M. BUICE, MMC
City Clerk/Secretary of the Pomona
Housing Authority/Successor Agency to the
Redevelopment Agency

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