



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

Meeting Minutes

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

Mayor Tim Sandoval
Vice Mayor Rubio R. Gonzalez
Councilmember Adriana M. Robledo
Councilmember Cristina Carrizosa
Councilmember Elizabeth Ontiveros-Cole
Councilmember Ginna E. Escobar
Councilmember Robert S. Torres

VISION STATEMENT

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

Monday, August 6, 2018

7:00 PM

Council Chambers

5:30 P.M.

CLOSED SESSION

Public Comment:

A. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

(Pursuant to Government Code Section 54956.9 (d)(1))

Glenn Sabey v. City of Pomona; Los Angeles Superior Court Case No. BS152939
Trevor Stevenson v. City of Pomona; WCAB Case No. ADJ11047082
Dilley v. City of Pomona; Los Angeles Central District Court, Case No. BS174286

B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

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

C. PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code Section 54957)

City Clerk

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property: VPD Lots 6 & 7 (APNs 8341-003-901 and 8341-004-902)
Vacant VPD Lots (APNs 8341-003-903, 904, 905, 906, 907,
908 and 909); the Gist Building (APN 8341-003-902)

Negotiating Party: Maya Cinemas North America, Inc.

City's Negotiator: Linda Lowry, City Manager

Under Negotiation: Price and Terms

CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Alvarez-Glasman stated that the City Council convened into Closed Session at 5:39 p.m. and that the items listed on the agenda had been announced prior to recessing into Closed Session and reported the following:

Mayor Sandoval, Vice-Mayor Gonzalez, and Councilmembers Carrizosa, Ontiveros- Cole, Escobar and Torres were present.

Councilmember Robledo arrived at 6:00 p.m.

Two items were added to the agenda by unanimous vote.

Item A-1: Special Counsel provided a briefing to the City Council, direction was provided authorizing the City Manager to take action, and execute any required settlement documents.

Item A-2: Special Counsel provided a briefing to the City Council, direction was provided authorizing the City Manager to take action, and execute any required settlement documents.

Item A-3: A briefing was provided, no action was taken and nothing further to report.

Item B: Two matters listed on the agenda and one added during closed session: Direction was provided to the City Attorney with no action required to report.

Item C: Direction provided to the City Manager.

Item D: A briefing was provided, this matter is also on the open session agenda for consideration, and that no reportable action had been taken.

Item E (added during closed session): The Chief of Police provided a briefing to the City Council, however, no final action was taken and there was nothing further to report.

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

7:00 P.M.

CALL TO ORDER

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

ROLL CALL

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

STAFF PRESENT:

Linda Lowry, City Manager
Arnold Alvarez-Glasman, City Attorney
Marie M. Macias, Interim City Clerk
Karla Shipman, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Veteran Pete Garcia led the Pledge of Allegiance to the Flag.

PRESENTATIONS

- A. Approval and Presentation of a Proclamation declaring Tuesday, August 7, 2018, as "National Night Out" in the City of Pomona.

Mayor Sandoval and the City Council approved and presented a proclamation to members of the Pomona Police Department declaring August 7, 2018, as "National Night Out" in the City of Pomona.

- B. Presentation of an award to the City by the Human Values Center for completing the Pomona Compassionate Leadership Program

Laura Burgess from the Human Values Center presented an award to the City for completing the Pomona Compassionate Leadership Program.

- C. Presentation of a Certificate of Commendation to Esteban Guzman for demonstrating compassionate citizen values in the face of adversity

Mayor Sandoval and the City Council presented a Certificate of Commendation to Esteban Guzman. This presentation was given after Mayor/Councilmember Communications as Mr. Guzman was not present during Presentations.

- D. Presentation of a Certificate of Commendation to Antonio (Tony) Colon for his heroic action in saving an elderly female from being sexually assaulted

Mayor Sandoval and the City Council presented a Certificate of Commendation to Antonio Colon.

- E. Presentation of Guinness Record of World's Largest Citrus Painting

Mayor Sandoval requested to add a presentation by John Barge III of his Guinness Record of World's Largest Painting of Citrus Fruits. Mr. Barge spoke about the project and unveiled the painting for the City Council and the public.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Torres reported that he had attended the grand opening of the Hilton Garden Inn, and commented on a newspaper article regarding the development of the Lanterman Hospital site.

Councilmember Escobar reminded everyone of the upcoming election and requested that the campaigns be run in an ethical manner, and that discussions be conducted with respect and decorum.

Councilmembers Robledo, Carrizosa and Ontiveros-Cole agreed with Councilmember Escobar and urged everyone to conduct their campaigns in an ethical and respectful manner.

Mayor Sandoval requested the City Attorney draft a statement from the Mayor and Councilmembers acknowledging that negative behavior and comments regarding those running for office would not be tolerated.

Councilmember Torres agreed that name calling and bullying should not be tolerated; however, he noted that if a candidate had factual information, they should be able to bring forth that information.

Vice Mayor Gonzales recognized Dr. Roberta Perlman from the Pomona Unified School District, commented on the success of the Pomona Police Department's Camp Out that took place at Fairplex, and noted that the Pomona Concert Band performed every Thursday at Ganesha park during the summer.

Mayor Sandoval reported that Pomona resident, Victor Glover, had been selected as a member of the SpaceX Crew Dragon mission.

Councilmember Ontiveros-Cole stated that she had attended the Heroes and Sheroes Banquet where Mayor Sandoval was honored for his work in the community.

CITY MANAGER COMMUNICATIONS

City Manager Lowry stated that Staff was requesting addition of two items to the agenda as they had come up after the positing of the agenda and required immediate action. The first item would be added to the Consent Calendar as Item No. 17A, seeking approval for Staff to send a letter to the State Board of Cannabis Control in opposition to the proposed regulations as they pertain to cannabis deliveries in all local jurisdictions and the reduction of the verification period of local license approval.

Mayor Sandoval requested the items be added one at a time:

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0, approving the addition of Item No. 17A to the Consent Calendar.

City Manager Lowry stated that the second item would be added to the Discussion Calendar as Item No. 20D, requesting that an appropriation of \$1,396,191 to AD Low Mod Bond Proceeds from the Pending Sale of Mission Promenade I to the project representing the Homeless Service Center, and an amendment to the contract with TELACU Construction Management for Design-Build Services for the Completion of "Year-Round Emergency Shelter" Project No. 428-2590-XXXXX-71044, for a Not-to-Exceed amount of \$4,445,593.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0, approving the addition of Item No. 20D to the Discussion Calendar.

PUBLIC PARTICIPATION

Mayor Sandoval proposed and the City Council agreed to limit public speakers to one minute due to the number of speaker cards that had been submitted.

Douglas C. Pierce, Pomona, requested that a grade separation be considered at the railroad crossing on Hamilton Boulevard.

Rich Davis, Pomona, expressed opposition to rent control, marijuana dispensaries, and street vendors, as well as reducing the time limit allowed for citizens to speak.

Orlando Arias, Pomona, spoke regarding traffic issues in the area of Valley Boulevard and Temple Avenue.

Andrea Edwards, Pomona, thanked the Fire and Police Department personnel who responded to a mobile home fire on July 30, 2018 at HiFi Mobile Home Plaza and Las Brisas Estates. She asked that Code Enforcement investigate conditions at the mobile home park.

Tina Wemett, Pomona, spoke regarding the health issues associated with smoking of any kind, including cigarettes and marijuana.

Michael Meyer, Pomona, attorney for Altruistic Bliss Church, spoke regarding the church's beliefs on marijuana use.

Deborah Clifford yielded her time to Dwight Richards, Los Angeles County Fair representative. Mr. Richards announced that the 96th Los Angeles County Fair would start on August 31st. He stated that tickets for all Pomona residents would be \$1 on that day. He informed that they had made a number of changes to the traffic flow around the fairgrounds.

Coach Wilson of the California Panthers, advised that they were no longer known as the Pomona Giants and requested assistance with funding for uniforms for the players and asked that they be added to the next agenda under Finding of Public Benefit.

Mike Suarez, thanked the City Council for their support of the "For the Love of Cars Car Show" on June 9, 2018. He stated the event had been a huge success.

Victor Lopez, San Bernardino County Transportation Authority, stated that the public review period for the Draft Environmental Document for the West Valley Connector Project would be open from August 24 through October 8, 2018. He noted that a public meeting would be held at the Pomona City Council Chambers on September 28, 2018 at 6:00 p.m. for public comments.

Cruz Campos, thanked the City Council for their efforts in keeping the City clean.

Sandra, Pomona resident, accompanied by several neighbors, requested additional safety measures such as speed bumps and lighting be installed on Third Street between White Avenue and Hamilton Street. She noted that there had been four major accidents on that street in the past two years.

Elinor Crescenzi, Pomona, spoke about leading by example and presented the City Council with reusable water bottles to use during City Council meetings. She also spoke about zero waste.

Randy Beckendam, Pomona, invited the City Council to visit the ATP Garden. He requested that something be done about a blighted property located next to 1205 Buena Vista, close to Ralph Welch Park in District 2.

Katie Hudson, Pomona, expressed concern with transients leaving trash and waste around the Parkside Family Apartments at Holt and Hamilton, police response time, and requested that the City address these issues.

Jose Diaz and Peggy Diaz submitted speaker cards in opposition to parking restraints on San Francisco Avenue; however, they were not present when called upon to speak.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, approving the Consent Calendar.

1. Adopt a Resolution Approving a Disposition & Development Agreement and a Development Oversight & Delivery Agreement with Maya Cinemas, North America, Inc. for Development of a 12-14 Screen Maya Cinemas Project on City/VPD Lots 6 & 7, the Gist Building and the Adjacent Vacant Lot in Downtown Pomona and for Development of a 700+ Stall Parking Structure on VPD Lot 10 - Council Districts 1 & 2

RESOLUTION NO. 2018-110-A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH MAYA CINEMAS OF NORTH AMERICA FOR THE SALE, OPTION AND DEVELOPMENT OF CITY OWNED VEHICLE PARKING DISTRICT LOTS 6 AND 7, THE GIST BUILDING PROPERTY AND APPROVING A DEVELOPMENT OVERSIGHT AND DELIVERY AGREEMENT FOR THE DEVELOPMENT OF A PARKING GARAGE ON VEHICLE PARKING DISTRICT LOT 10

2. Authorize the Submittal of Active Transportation Program (ATP) Application to California Department of Transportation (Caltrans) Requesting up to \$10 Million for the Implementation of Bicycle Infrastructure and Pedestrian-Crossing Enhancements
3. Adopt a Resolution of Intention to Modify the Downtown Pomona Property and Business Improvement District

RESOLUTION NO. 2018-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA DECLARING ITS INTENTION TO MODIFY THE DOWNTOWN POMONA PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

4. Adopt a Resolution Authorizing the Acceptance of \$357,700 in Mental Health Services Act Funding from Tri City Mental Health Center to Reserve 28 Beds Annually to Eligible Homeless Clients at the Homeless Services Center and Amending the FY 2018-19 Emergency Shelter Operating Budget to Appropriate Said Funds for Operations, Equipment, and Administrative Costs

RESOLUTION NO. 2018-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA AUTHORIZING THE ACCEPTANCE OF \$357,700 IN MENTAL HEALTH SERVICES ACT FUNDING FROM TRI CITY MENTAL HEALTH CENTER TO RESERVE 28 BEDS ANNUALLY TO ELIGIBLE HOMELESS CLIENTS AT THE HOMELESS SERVICES CENTER AND AMENDING THE FY 2018-19 EMERGENCY SHELTER OPERATING BUDGET TO APPROPRIATE SAID FUNDS FOR OPERATIONS, EQUIPMENT, AND ADMINISTRATIVE COSTS

5. Approval of Updated Overhead Street Banner and Park Banner Regulations
6. Adoption of a Resolution Approving a \$24,500 Contribution from the Vehicle Parking District (VPD) Fiscal Year 2017-2018 Budget to the Downtown Pomona Owners Association (DPOA) for the Purchase and Installation of Security Surveillance Cameras and Supporting Equipment to Enhance Parking Lot Security

RESOLUTION NO. SA 2018-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING A \$24,500 CONTRIBUTION FROM THE VEHICLE PARKING DISTRICT (VPD) FISCAL YEAR 2018-2019 BUDGET TO THE DOWNTOWN POMONA OWNERS ASSOCIATION (DPOA) FOR THE PURCHASE AND INSTALLATION OF SECURITY SURVEILLANCE CAMERAS AND SUPPORTING EQUIPMENT TO PROVIDE ADDITIONAL SECURITY SURVEILLANCE TO VPD LOTS 3, 5, 7 10, 11 AND ADJACENT DOWNTOWN AREAS

7. Approval of City Hall Closure during the 2018 Holiday Season and Adoption of a Resolution Approving Proposed Changes to 2019 City Council Meeting Dates Due to Holiday Conflicts and Establishing Rescheduled Meetings as "Regular" Meetings of the City Council

RESOLUTION NO. 2018-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE CANCELLATION AND RESCHEDULING OF MEETINGS AND ESTABLISHING THE RESCHEDULED MEETING DATES AS "REGULAR" MEETINGS OF THE CITY COUNCIL

8. Adopt a Resolution Amending the FY 2018-19 Public Works Operating Budget by Re-Appropriating \$189,012 from Various Funds for Vehicle Purchases, Installation of Two Air Conditioning (AC) Units at Ralph Welch Park Community Center, and Work to

Be Performed by California Conservation Corps (CCC) for the Cal Recycle Homeless Encampment Action Response Team (Heart) Program

RESOLUTION NO. 2018-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, AMENDING THE FY 2018-19 PUBLIC WORKS OPERATING BUDGET BY RE-APPROPRIATING \$189,012 (\$73,120 TO THE HOMELESS ENCAMPMENT ACTION RESPONSE TEAM (HEART) GRANT FUND 215, \$93,457 TO AIR QUALITY MANAGEMENT DISTRICT (AQMD) FUND 245, AND \$22,435 TO GENERAL FUND 101-4035-52285) FOR VEHICLES, AIR CONDITIONING (AC) UNITS AND CALIFORNIA CONSERVATION CORPS (CCC) WORK FOR THE HOMELESS ENCAMPMENT ACTION RESPONSE TEAM (HEART) PROGRAM PREVIOUSLY AUTHORIZED IN FISCAL YEAR 2017-18

9. Approval of an Amendment to the Cooperative Agreement with the East San Gabriel Valley Watershed Management Group to Increase Funding for Stormwater Monitoring; Approval of an Amendment to the Professional Services Agreement with Stantec Consulting Services Inc. in the total amount of \$329,897 for Continued Implementation of the Coordinated Integrated Monitoring Program (CIMP) in Compliance with the 2012 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Discharges for Los Angeles County; and Approve an Increase of the City's Cost Share payment, in a not to exceed amount of \$262,000
10. Award of Bid to Reed Electric for an Initial Term of Three-Years, with a Two One-Year Extension Options, for Electric Motor, Refurbishment and Replacement Services at the Per Unit Prices Bid
11. Award of Bid to Budilo Construction Inc. to Provide Cla-Val Automatic Control Valve Repair, Replacement and Maintenance Services at the Prices Bid for Time and Materials
12. Recommend Amendment to the Engagement Letter Agreement with Cumming Construction Management, Inc. in the Amount of \$85,600 to Provide Staff Augmentation for Construction Management Services for the "Year-Round Emergency Shelter," CIP Project No. 428-2590-XXXXX-71044
13. Resolution Approving a One-Year Agreement with the Downtown Pomona Owners Association (DPOA) to Provide Funding in the Amount of \$144,000 for Supplemental Police Patrols in the Downtown Pomona Business Improvement District with a One-Year Extension Option

RESOLUTION NO. 2018-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A ONE-YEAR AGREEMENT WITH THE DOWNTOWN POMONA OWNERS' ASSOCIATION (DPOA) FOR SUPPLEMENTAL POLICE PATROL SERVICES FOR THE POMONA BUSINESS IMPROVEMENT DISTRICT (PBID) WITH A ONE-YEAR EXTENSION AND AMENDING THE POLICE DEPARTMENT'S OPERATING REVENUES

14. Adopt a Resolution Accepting \$8,000 in Grant Funds awarded by Tri-City Mental Health Services to Implement the Heroes of Pomona Speech Contest and Amending the FY 2018-19 Budget by Receiving and Appropriating the Grant Funds

RESOLUTION NO. 2018-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ACCEPTING \$8,000 IN GRANT FUNDS AWARDED BY TRI-CITY MENTAL HEALTH SERVICES TO IMPLEMENT THE HEROES OF POMONA SPEECH CONTEST AND AMENDING THE FY 2018-19 OPERATING BUDGET BY RECEIVING AND APPROPRIATING THE GRANT FUNDS

15. Approve the Purchase of Four (4) Towable Air Compressors from Volvo Construction Equipment and Service, in the Total Amount of \$109,892; Utilizing National Joint Powers Alliance Contract Agreement Number 052015-CEC
16. Adoption of a Resolution Approving an Agreement to Provide Police Services for the 2018 Los Angeles County Fair by Setting the Rate of Compensation for Such Police Services and Amending the Police Department's FY 2018-19 Operating Budget by Appropriating an Additional \$31,922

RESOLUTION NO. 2018-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A CONTRACT WITH THE LOS ANGELES COUNTY FAIR ASSOCIATION BY SETTING THE RATE FOR POMONA POLICE SERVICES DURING THE 2018 LOS ANGELES COUNTY FAIR AND AMENDING THE POLICE DEPARTMENT FY 2018-19 OPERATING BUDGET

17. Adopt a Resolution Amending "Phil and Nell Soto Park," Project No. 428-2590-XXXXX-71040 within FY 2018-19 Capital Improvement Program (CIP) Budget by Reappropriating Park and Recreation Improvement Fees from "Ganesha Park - Tree Grove, "Project No. 428-2590-XXXXX-71034 (\$4,633); Appropriating

Available Park and Recreation Improvement Fees Fund Balance (\$137,000); Appropriating \$1,010,000 of San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) Grant Funds to Project No. 71040; Waive Minor Irregularities in the Bid and Award a Construction Contract to CEM Construction Corporation in the Sum of \$2,297,151; and Authorize Construction Change Order Capacity Up to \$344,573 Subject to Additional/Maximum Available Funds

RESOLUTION NO. 2018-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$141,633 OF "PARKS AND RECREATION IMPROVEMENT FEES" (OF WHICH \$4,633 IS REAPPROPRIATED FROM GANESHA PARK - TREE GROVE," PROJECT NO. 428-2590-XXXXX-71034 AND \$137,000 IS APPROPRIATED FROM AVAILABLE "PARK AND RECREATION IMPROVEMENT FEES" FUND BALANCE); AND APPROPRIATING \$1,010,000 OF SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY (RMC) GRANT FUNDS TO "PHIL AND NELL SOTO PARK," PROJECT NO. 428-2590-XXXXX-71040 AND AUTHORIZING THE CITY MANAGER TO DIRECT APPROPRIATION OF ANY ADDITIONAL GRANT FUNDS RECEIVED AND SIGN ALL OTHER ITEMS NEEDED FOR COMPLETION OF THIS PROJECT ON BEHALF OF THE CITY

- 17A.** Approve Staff's recommendation to oppose the State Bureau of Cannabis Control's proposed regulations as they pertain to cannabis deliveries in all local jurisdictions and the verification period of local license approvals and authorize staff to draft and disseminate letters in opposition of these regulations as proposed.

DISCUSSION CALENDAR

- 18.** Request for a Public Hearing on an appeal of the Planning Commission's Non-Action of Conditional Use Permit (CUP 7814-2017) and Revocation of Conditional Use Permit (CUP 05-035) to allow for the construction of a new 47,199 square foot structure to include warehouse and office uses for a property located within the M-1, Light Industrial district as well as the Pomona Corridors Specific Plan, East Mission Boulevard Workplace Expansion Zone. Revocation of Conditional Use Permit (CUP 05-035) to construct a new 17,362 square foot industrial building at an existing industrial facility within the M-1, Light Industrial district for a property located at 750 South Reservoir Street.

Development Services Director Suarez provided a brief overview of the staff report.

Michael Chait, appellant, stated that the report indicated that the Planning Commission had denied the request; however, a decision had not been made. He advised that the report also indicated that there was only one reason for the appeal, when there had been three reasons submitted.

Nora Garcia submitted a speaker card for this item, but was not present when called to speak.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED 7-0 to schedule a Public Hearing at the September 10, 2018 Council meeting on an appeal of the Planning Commission's Non-Action of Conditional Use Permit (CUP 7814-2017) and Revocation of Conditional Use Permit (CUP 05-035) to allow for the construction of a new 47,199 square foot structure to include warehouse and office uses for a property located within the M-1, Light Industrial district as well as the Pomona Corridors Specific Plan, East Mission Boulevard Workplace Expansion Zone. Revocation of Conditional Use Permit (CUP 05-035) to construct a new 17,362 square foot industrial building at an existing industrial facility within the M-1, Light Industrial district for a property located at 750 South Reservoir Street.

19. Request for a Public Hearing on an appeal of the Planning Commission's Non-Action of Conditional Use Permit (CUP 7049-2017) to allow the construction of a 1,392 square foot detached structure to be used as an employee lounge and the legalization of six pre-fabricated shade canopies for an existing recycling business in the M-2 (General Industrial) zone.

Development Services Director Suarez provided a brief overview of the staff report.

Nora Garcia, Clean and Green Pomona representative, expressed opposition to the project, and submitted documents in support of their opposition.

Mayor Sandoval inquired and Director Suarez informed that the canopies had been constructed without permits. The Mayor expressed support of the Planning Commission's decision.

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, to accept the Planning Commission's Non-Action and deny the Request for a Public Hearing on an appeal of the Planning Commission's Non-Action of Conditional Use Permit (CUP 7049-2017) to allow the construction of a 1,392 square foot detached structure to be used as an employee lounge and the legalization of six pre-fabricated shade canopies for an existing recycling business in the M-2 (General Industrial) zone.

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

CURRENT REQUESTS:

- A) Amount to be determined to cover facility rental fees associated with the Pomona Economic Opportunity Center's community meeting at Renacimiento Community Center - Amount requested: \$211
- B) Amount to be determined to Just Us 4 Youth in support of their free summer basketball camp - Amount requested: \$800
- C) Amount to be determined to Kingdom of God Revelation Ministries in support of the 2018 Mayor's Prayer Breakfast - Amount requested: \$1,000

Councilmember Carrizosa requested that Item D be added to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

- D) Inland Valley Hope Partners Community Farmers Market to continue free coffee-Requested Amount-TBD

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to add Item D to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

Councilmember Gonzalez requested that Item E be added to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

- E) Rumsen Ohlone Indigenous Embrace for Indigenous People's Day event-Requested amount by organization-\$1500

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to add Item E to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

Mayor Sandoval requested that Item F be added to Finding of Public Benefit due to it coming up after the posting of the agenda and required immediate action.

- F) Organization (TBD) to put on a free community concert in Westmont Park on September 9, 2018-Requested amount-\$500

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to add Item F to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

Mayor Sandoval requested that Item G be added to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

- G)** PHS Cheer boosters for camp costs to provide training and leadership skills-requested amount-TBD

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to add Item G to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

Councilmember Gonzalez requested that Item H be added to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

- H)** Fist of Gold Youth Center for costs associated with additional security for a boxing showcase event in downtown Pomona-Requested amount-\$1836

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to add Item H to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

Vice Mayor Gonzalez requested that Item I be added to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

- I)** Gangs to Grace Youth Foundation/Boxing Club for costs associated with medical support for boxing showcase-Requested amount-TBD

MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to add Item I to Finding of Public Benefit as it came up subsequent to the posting of the agenda and required immediate action.

MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER ROBLEDO, CARRIED 7-0 to approve Finding of Public Benefit Items A through I.

- 20A.** Certification of Initiative Measure to Amend the Pomona Zoning Code to Allow Commercial Cannabis Uses by Creating the "Safe Access Cannabis" (SAC) and "Industrial Cannabis" (IC) Overlay Zones and Prohibiting Cannabis Businesses Within 600 Feet of a School, Daycare, or Youth Center as Defined by State Law

Jonathan Cvetko, LA County Board of Supervisors' Cannabis Advisory Work Group and Executive Director of Angeles Emeralds, encouraged the City Council to adopt an ordinance created through a City process rather than a voter initiative. He noted that a regulated market would facilitate a transition from the existing illicit market to a safe, regulated market that prioritized public health and safety, good jobs, and tax revenue that would support public programs in Pomona. He stated that the City had a unique opportunity since State regulations allow for temporary cannabis event licenses only on county fairgrounds which would create an economic opportunity for the City. He requested that the application process for such events not require a secured property for that business, as that would exclude them from events at the LA County Fairgrounds.

Carlton Turner, Pomona, Angeles Emeralds, expressed support for the legal use of cannabis.

Kassidy Hill, Angeles Emeralds, expressed support for commercial cannabis businesses in Pomona. He stated that a regulated market would make the City a safer place, provide good jobs, and provide additional revenue for public programs. He did not agree with regulating the business to only industrial areas.

DeAndre Manus, Angeles Emeralds, expressed support for regulated commercial sale of cannabis and believed it would make the City safer, create good jobs, and provide additional revenue for public programs in the community.

Kenneth Wysinger, Angeles Emeralds, spoke in support of commercial sale of cannabis and believed it would bring revenue to the City.

Megan Rosler expressed support for regulated sale of cannabis and cannabis events at the LA County Fairgrounds.

Savannah Schuman, Angeles Emeralds, spoke in support of a regulated market as it would make the City safer, create good jobs, and provide additional revenue for the City. She also expressed support for hosting cannabis events at the Fairgrounds.

Brandon Roman expressed support for commercial cannabis business in Pomona because it would create good jobs and provide revenue for the City. He stated that the revenue could be used for schools and infrastructure upgrades.

Ed Tessier expressed support for the legalization of cannabis; however, he believed that those signing the initiative petition were not informed that the properties being targeted were not consulted, there was no analysis on the impact to the downtown revitalization project, and that there was no mention that the regulations would strip the City of its ability to regulate cannabis.

Dr. Roberta Perlman urged the City Council to prohibit marijuana dispensaries within 1000 feet of schools, daycare, and other sensitive uses, rather than the proposed 600 feet. She stated that stringent regulation of cannabis and keeping children safe was the responsibility of every member of the community. She stated that it would be an insult and injustice to the community to allow the dispensaries within 1000 feet of schools, daycare facilities, and other sensitive places.

Mr. Roger Diamond, Attorney-at-Law, stated that it would cost a lot of money to request another report and would only delay the decision. He urged the City Council to put the measure on the November ballot.

John Mendoza expressed concern with the process for certifying the signatures on the petition.

The following individuals submitted speaker cards in support; however, they did not wish to speak:

- Victoria Michalsky
- Asia Thompson
- Shadonna Ashley
- Bobby Johnson
- Lorena Flores
- Carlos Garcia
- Gerardo Huerta
- Mauricio Chairez
- Isaac Castillo
- Jonathan McColgan
- Amber Fay
- Amber Lee Angen
- Justin Stephens
- Daniel Lack Jr.
- Alex Sotelo
- Dawson Hauptman
- Ryan Sanchez
- Anthony Lowe

The following individuals submitted speaker cards in support; however, they were not present when called to speak:

- Alex Tovar
- Paulie Rodriguez
- Salvador Salas
- Jaylene Olea
- Celina Quintero

The following speaker cards were received from members of Angeles Emeralds in support of Items 20A and C:

- Janette Carachure
- Eric Venerable Jr.
- Brittany Luna
- Ivan Slaitt
- Priscilla Paschal
- Natalia Velasco
- Zoey Nunez
- Tyler Epps
- Jonathan Mota
- Ken Thomas
- Julia Olea
- Bao Tran
- John Quintero

MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY MAYOR SANDOVAL, CARRIED 7-0, accepting the Certification of Initiative Measure to Pomona Zoning Code to Allow Commercial Cannabis Uses by Creating the “Safe Access Cannabis” (SAC) and “Industrial Cannabis” (IC) Overlay Zones and Prohibiting Cannabis Businesses Within 600 Feet of a School, Daycare, or Youth Center as Defined by State Law.

MOTION BY COUNCILMEMBER ESCOBAR, SECOND BY MAYOR SANDOVAL, CARRIED BY 7-0, directing staff to prepare a full fiscal impact report.

20B. Adopt a Resolution of the City Council of the City of Pomona, California, Submitting a Three Quarters of One Percent (0.75%) Sales Tax Measure to the City of Pomona’s Qualified Electors at the General Municipal Election to be Held on Tuesday, November 6, 2018, and Authorizing Other Necessary Actions and Documents for Ballot Placement

RESOLUTION NO. 2018-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SUBMITTING A THREE QUARTERS OF ONE PERCENT (0.75%) SALES TAX

**MEASURE TO THE CITY OF POMONA'S QUALIFIED ELECTORS AT THE
GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6,
2018, AND AUTHORIZING RELATED ACTIONS INCLUDING DIRECTING THE CITY
ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE AND
AUTHORIZING ARGUMENTS AND REBUTTALS ON THE MEASURE**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA,
CALIFORNIA, AMENDING THE CITY CODE TO ADD ARTICLE XI (TRANSACTIONS
AND USE TAX) TO CHAPTER 50 OF THE POMONA MUNICIPAL CODE AND
ADOPTING A THREE QUARTERS OF ONE PERCENT (0.75%) TRANSACTIONS
AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION
PURSUANT TO CALIFORNIA REVENUE & TAXATION CODE SECTIONS 7251 ET
SEQ., SUBJECT TO VOTER APPROVAL**

Budget Officer Mowbray introduced Adam Sonenshein from FM3 Research who provided a Power Point Presentation on the research that FM3 had conducted regarding a possible sales tax increase. He informed that there was strong support for a three quarters of one percent sales tax measure, as well as a cannabis business tax. He answered questions from the City Council.

John Mendoza expressed concern that the presentation did not state that the sales tax would be raised, only that there would be a three quarters of one percent sales tax. He stressed to need to educate voters.

Duane Smith spoke in favor of placing the item on the November ballot.

Arturo Jimenez expressed opposition to raising the sales tax.

Councilmember Escobar stated that all members of the Council had to demonstrate a united front on this issue if the City Council desired to place this on the ballot.

Councilmember Torres stated that while a 49 percent probability of voters in favor was good, it would take a great deal of effort to move that to 50 percent plus 1, or more.

Vice Mayor Gonzalez noted that nothing could be done about past decisions; however, with the current budget deficit, the City Council had to look at options to bring in more revenue. He expressed support for placing the measure on the November ballot for the voters to decide.

Mayor Sandoval stated that no one on the Council wanted to increase taxes; however, with the current and future shortfalls, this was a proactive approach to the situation. He noted that other cities were facing the same issues. He indicated that it was a well thought out and transparent approach, and that it was the City Council's responsibility to put it before the voters. He agreed that all members of the City Council needed to come together and support

the measure, and that it was critical for all entities involved to champion it.

Councilmember Torres inquired and Erica Foster, Chamber of Commerce representative, informed that she had not heard any discussion from the business community regarding the issue; however, she would bring it up at the next meeting for their input. He stressed the need for the business community to support the measure in order for it to pass.

Councilmember Ontiveros-Cole agreed that the business community would need to be supportive. She urged those citizens that had not attended the community meetings regarding the ten year financial outlook, to watch the presentation on the City's website. She stated that the measure would give the voters the opportunity to decide on the matter. She inquired and City Attorney Alvarez-Glasman advised that the wording of the measure would have to be decided on during the meeting in order to meet the deadline to submit it to the County.

City Manager Lowry and City Attorney Alvarez-Glasman clarified the wording requirements for the ballot measure title.

Councilmember Ontiveros-Cole expressed support for moving forward with the measure, and noted that she did not want to see a reduction in the services that the City provided.

Councilmember Carrizosa stated that the increase could affect the purchase of large ticket items such as automobiles. She expressed concern that there was no time frame for the measure to sunset and advised that she could not support without a sunset clause.

Councilmember Robledo indicated that none of the City Council wanted to increase taxes; however, this was the only way to meet the current deficit. She noted that measures would need to be implemented to increase revenue and business development in order to meet future needs.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GONZALEZ, CARRIED 7-0, adopting Resolution No. 2018-118, Submitting a Three Quarters of One Percent (0.75%) Sales Tax Measure to the City of Pomona's Qualified Electors at the General Municipal Election to be held on Tuesday, November 6, 2018, and Authorizing Related Actions Including Directing the City Attorney to Prepare an Impartial Analysis of the Measure and Authorizing Arguments and Rebuttals on the Measure, and Adding Library Services as well as a Ten Year Sunset to the Ballot Question.

20C. Adopt a Resolution of the City Council of the City of Pomona, California, Submitting a Cannabis Business Tax Measure to the City of Pomona's Qualified Electors at the General Municipal Election to be Held on Tuesday, November 6, 2018, and Authorizing Other Necessary Actions and Documents for Ballot Placement

RESOLUTION NO. 2018-119

ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SUBMITTING A CANNABIS BUSINESS TAX MEASURE TO THE CITY OF POMONA'S QUALIFIED ELECTORS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AND AUTHORIZING OTHER NECESSARY ACTIONS AND DOCUMENTS FOR BALLOT PLACEMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE CITY CODE TO ADD ARTICLE XI (CANNABIS BUSINESS TAX) TO CHAPTER 50 OF THE POMONA MUNICIPAL CODE, SUBJECT TO VOTER APPROVAL

Jane Rich, Revenue Manager, introduced Mark Lovelace and Adam Sonenshein from FM3 Research, present to answer any questions.

Vince Carpio expressed opposition to cannabis dispensaries in the City. He stated that the City needed businesses which provided high paying jobs such as high tech jobs. He questioned whether those types of businesses would be attracted to Pomona with such entities as cannabis dispensaries and liquor stores, as well as the homeless situation.

Mike Suarez stated that the City was already plagued with drugs and gang violence and that the measure would bring further corruption to the City.

James Mullin expressed support for the cannabis business tax and for the ballot measure under Item No. 20A.

John Burkett stated that there was some confusion between Item Nos. 20A and 20C. He expressed support for Item No. 20A.

Margaret Stump also expressed support for Item No. 20A.

Roger Diamond, Attorney-at-Law, stated that the required number of signatures had been obtained and that the City Council should put the measure on the November ballot to approve marijuana.

Ed Tessier noted that one aspect of the report was correct in that there was an adverse effect on businesses surrounding cannabis dispensaries. He encouraged the City Council to designate the funds that would be generated to help those adversely affected by the dispensaries.

Jonathan Cvetko, LA County Board of Supervisors' Cannabis Advisory Work Group and Executive Director of Angeles Emeralds, expressed support for the cannabis business tax. He

noted that the public should be educated on the benefits of what the tax would provide to the community.

Councilmember Torres inquired and City Attorney Alvarez-Glasman advised that the measure could move forward with a simple majority vote of the City Council.

Councilmember Escobar inquired and City Manager Lowry advised that HDL Company had been hired to monitor the City's sales tax, and to assemble the information and craft the language for the cannabis tax. City Manager Lowry noted that if HDL Company were to do any additional work, the contract would have to be amended.

Councilmember Escobar stated that she would like to see the cannabis tax as a special tax, and believed that the voters would pass it with the required two thirds majority if they understood that it was for public safety activities such as enforcement and crime prevention. She was not supportive of using the tax revenue for other needs.

Mayor Sandoval noted that the City Council was responsible for the City's budget and how funds are appropriated with input from staff. He believed that a general tax would have the best chance of approval by the voters. He stated that a special tax would limit how and where the funds could be used, and that currently it was not known how services would be impacted. He advised that the tax needed to be in place in the event that the Council decided in the future to allow legal cannabis in the City. He said that if it was not in place at that time, a Special Election would have to be conducted at a great cost to the City.

Councilmember Carrizosa clarified that should the tax be placed on the ballot, it did not necessarily mean that the City Council had to approve the legal sale of marijuana, that this was just to have it in place in the event the legal sale of marijuana were to be approved in the future.

Councilmember Robledo stated that the tax revenue should go towards public safety enforcement and youth services, rather than general services.

Mayor Sandoval noted that if a special tax was not passed by the voters, then the only ones that would benefit would be the cannabis businesses, the City would lose all of the revenue from sales of cannabis. He stated that a general tax would be much more likely to pass.

Councilmember Torres was supportive of specifically designating the tax for enforcement, and believed that two-thirds of the voters would be in favor of it. He noted that enforcement was currently costing the City approximately \$320,000 and that the projected revenue from the tax was \$400,000 to \$500,000, which did not leave a significant amount to be used for other purposes.

Councilmember Carrizosa inquired and City Attorney Alvarez-Glasman advised that the City Council could word the ballot question to include such services as public safety and enforcement, and still submit it as a general tax.

MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR GONZALEZ, CARRIED 6-1, (COUNCILMEMBER TORRES OPPOSED) adopting Resolution No. 2018-119, Submitting a Cannabis Business Tax Measure to the City of Pomona's Qualified Electors at the General Municipal Election to be held on Tuesday, November 6, 2018, and Authorizing Other Necessary Actions and Documents for Ballot Placement, and Amending the Ballot Question to read as To Fund City Services Such as Public Safety Activities and Enforcement, Crime Prevention and Other General Services.

- 20D.** Appropriation of \$1,396,191 of AD Low Mod Bond Proceeds from the Pending Sale of Mission Promenade I to Project No. 428-2590-XXXXX-71044, and Amendment of Contract with TELACU Construction Management for Design-Build Services for the Completion of "Year-Round Emergency Shelter" Project No. 428-2590-XXXXX-71044, For a Not-to-Exceed Amount of \$4,445,593

Neighborhood Services Director DeFrank provided an overview of the staff report and introduced John Clem, President, Telacu Construction Management.

Councilmember Torres inquired and Mr. Clem informed that the project was scheduled to be completed in four to six months, and that the plans had been approved at the end of May. He introduced Blain Yoder, Telacu Construction Management Project Manager, who advised that the scheduled completion date was set for the end of October; however, they were anticipating completion prior to that.

Director DeFrank noted that the day use pad had been included in the current project, which would allow for it to be constructed now and at a lesser cost.

Councilmember Torres asked and Deputy City Manager Gluba advised that the delays in the project were a result of the permit issuance process, and that the contractor had been in line with the timeline for the project. Deputy City Manager Gluba noted that the plans were currently pending Health Department approval, as well as the Building and Safety Department. He noted that by approving the additional funding, the project could be completed three to four months earlier than had been anticipated.

Discussion ensued regarding the various aspects of the project including engineering, design, inclusion of the pad, and other details.

Councilmember Torres inquired and Anthony Sanchez, Executive Vice President, Cumming Corp., informed that the Phase I deadline of October 31 was included in the contract, and was on track for completion by that date.

City Manager Lowry advised that the pressure to complete the project was due to the Armory evicting the City from use of the building, and that the City had not been in control of the timeline. She noted that normally the City would have included a realistic timeline for the

project; however, with the eviction, there had been a great deal of pressure to complete it in a short amount of time.

Vice Mayor Gonzales reminded everyone that the City Council had caused part of the delay with making the central kitchen a priority in the middle of the plans.

Councilmember Torres expressed frustration with the number of delays, and that someone would need to be held accountable if there were any further delays.

Mayor Sandoval requested staff provide weekly updates on the progress of the project and that the updates be made accessible to the public.

MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY MAYOR SANDOVAL, CARRIED 7-0, approving Appropriation of \$1,396,191 of AD Low Mod Bond Proceeds from the Pending Sale of Mission Promenade I to Project No. 428-2590-XXXXX-71044, and Amendment of Contract with TELACU Construction Management for Design-Build Services for the Completion of “Year-Round Emergency Shelter” Project No. 428-2590-XXXXX-71044, For a Not-to-Exceed Amount of \$4,445, 593

PUBLIC HEARINGS

21. Request to Continue Public Hearing Opened on June 18, 2018 to September 10, 2018 for the introduction and first reading of Change of Zone (Zone 6154-2018) as well as consideration of Conditional Use Permit (CUP 9774-2018) for a property located at 1538 South Towne Avenue

MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY MAYOR SANDOVAL, CARRIED 7-0, approving a Request to Continue the Public Hearing Opened on June 18, 2018 to September 10, 2018 for the introduction and first reading of Change of Zone (Zone 6154-2018) as well as consideration of Conditional Use Permit (CUP 9774-2018) for a property located at 1538 South Towne Avenue

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Torres requested that the Planning Commission recommendation for the Fairplex Zone be placed on the City Council agenda for the September 10, 2018 meeting.

Councilmember Gonzalez requested a report regarding “Opportunity Zones” and how to attract investors.

Councilmember Ontiveros-Cole asked for a report on the requested Christmas lights for the Civic Center Courtyard.

Councilmember Escobar supported Councilmember Torres’ request to place the Fairplex item

on the agenda for September 10, 2018. She also requested that the cannabis issue be placed on the agenda as soon as possible, definitely before the election. City Attorney Alvarez-Glasman informed that the summary notes of the last meeting would be provided to the City Council in the next week.

Mayor Sandoval reported that City Manager Lowry, Director DeFrank, and he had attended the "Homeless Plan Summit," and that it had provided some very beneficial information. He provided the City Council with information obtained at the Summit, and commented that he would like to have a presentation made to the City Council regarding the information.

Councilmember Carrizosa stated that the medians at South Garey Avenue and Phillips Blvd., and another west of Mission and Garey were in poor condition, and requested staff check it out to see what could be done. She stated there was a notable difference between north and south Garey.

Mayor Sandoval announced that the Pomona Beautiful crew would be working at Martin Luther King, Jr. Park on Tuesday, and would be concentrating on parks for the rest of the summer. He informed that a second crew had been started and that they met on Saturdays from 7:30 to 10:00 a.m. at the City Council Chambers. He invited everyone to come out and help clean up the City.

ADJOURNMENT

The City Council meeting was adjourned at 11:51 p.m.

The next regular City Council meeting will be held on Monday, September 10, 2018, 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:

MARIE MICHEL MACIAS, MMC
Interim 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