



# City of Pomona

505 S. Garey Ave  
Pomona, CA 91766

## Meeting Minutes

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

*Mayor Tim Sandoval*  
*Councilmember Rubio R. Gonzalez*  
*Councilmember Adriana M. Robledo*  
*Councilmember Cristina Carrizosa*  
*Councilmember Elizabeth Ontiveros-Cole*  
*Councilmember 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.*

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Monday, October 16, 2017

7:00 PM

Council Chambers

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**5:30 P.M.**

#### **CLOSED SESSION**

##### **Public Comment:**

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

*Aguayo v. City of Pomona; LA Superior Court Case No. BS171174*

*Abboud v. City of Pomona; LA Central District Case No. BC599074 and LA Superior Court  
Case No. BC663097*

*Sater Hijazi Group, Inc. v. City of Pomona, et al.; LA Superior Court Case No. BS171174*

*AAA Medical Patients Union v. City of Pomona; LA Superior Court Case No. KC069656*

*City of Pomona v. Gold Line Construction Authority*

#### **B. CONFERENCE WITH LABOR NEGOTIATORS**

(Pursuant to Government Code Section 54957.6)

Part Time Unrepresented Employees

Part Time General Employees Unit

Unrepresented Group A and B Employees

Unrepresented Mid-Management Group C-2 Employees

Pomona City Employees' Association, a Chapter of Teamsters Local 1932

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Pomona Police Managers Association (PPMA)

Labor Negotiators: Linda Lowry and Linda Matthews

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

Chief of Police

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

Property: APNs 8341-013-030, 053, 054, 055 & 056 at Seventh Street and  
Garey Avenue  
Negotiating Party: M & A Gabae, a California Limited Partnership  
Successor Agency's  
City's Negotiator: Linda Lowry, City Manager

Under Negotiation: Price and Terms

**CITY ATTORNEY REPORT OUT FROM CLOSED SESSION**

Assistant City Attorney Jared reported that the City Council had convened into Closed Session at 5:35 p.m. with Councilmembers Ontiveros-Cole, Gonzalez, Torres and Mayor Sandoval present. He stated that the items listed on the agenda had been announced prior to recessing into Closed Session with no public present, and reported as follows:

Councilmember Carrizosa arrived at 5:47 PM.

Councilmember Escobar arrived at 5:55 PM.

Councilmember Robledo arrived 6:10 PM.

**Item A-1: Aguayo vs. City of Pomona**

A briefing was provided to the Council, direction was provided; however, there was no final action taken and there was nothing further to report.

**Item B – Conference with Labor Negotiators**

Item was discussed, no final action taken and nothing further to report.

Assistant City Attorney Jared announced that the other items on the agenda had not been discussed and that Council would reconvene into Closed Session at the conclusion of the Open Session as time permits.

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

**7:00 P.M.**

**CALL TO ORDER**

**ROLL CALL**

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

**STAFF PRESENT:**

Linda Lowry, City Manager  
Andrew Jared, Assistant City Attorney  
Genoveva Rocha, Deputy City Clerk  
Cecilia Varela, Deputy City Clerk

**PLEDGE OF ALLEGIANCE**

Councilmember Ontiveros-Cole led the Pledge of Allegiance.

**PRESENTATIONS**

- A. The City Council presented a Certificate of Recognition to Mrs. Ella May Anderson.
- B. The City Council approved and presented a Proclamation for Indigenous Peoples' Day.  
  
Fabian Pavon and Alejandro Juarez were present to show support.
- C. Prepared Pomona - A Presentation was provided about the City's Emergency Preparedness Program.

Daniel Bowers, City of Pomona Safety and Emergency Preparedness Officer, gave a brief presentation on this item. He provided a general overview of the resources, partnerships and

basic facts of potential hazards, response strategies and shelters. He spoke about upcoming events, fault lines that run through Pomona and the potential effects from an Earthquake.

Councilmember Torres announced that Senator Torres would be hosting an earthquake preparedness meeting at Ganesha Park on Thursday, October 19 at 6:30 p.m. and encouraged his colleagues to attend.

Councilmember Carrizosa thanked Mr. Bowers for the presentation and asked how City preparations interfaced with the Pomona Unified School District.

Mr. Bowers stated he was not in favor of sheltering in schools so he had not partnered with them for sheltering. However, he advised that he was working with the former School Resource Officer from Pomona Police Department to review several schools' Emergency Preparedness Plans.

Councilmember Escobar asked Mr. Bowers to share his qualifications.

Mr. Bowers spoke about his background and shared that he was a former Marine Corps Intelligence Officer and had served in a reserve capacity for over 10 years. He stated that in 2015 he had served as an Intelligence Officer for the ground element of a crisis response special purpose task force and commander of an urban search and rescue team on the Central Coast of California. He noted that his purpose and goal was to mitigate surprises for Police, Fire and leaders of the City and Community, and that he had attended courses in advanced ICS, concepts of Earthquake Management.

Councilmember Escobar urged Councilmembers to sign up for certification or FEMA training.

### **MAYOR/COUNCILMEMBER COMMUNICATIONS**

Councilmember Ontiveros-Cole reported that she had visited Fountain of Love Church, a future center for community kids, and that she had attended the Aztec event at the dA Center. She encouraged everyone to attend the Art Walk.

Councilmember Escobar reported that she had visited the San Diego US-Mexico border waste water treatment facility, and had the opportunity to see the waste water capture and learned about the relationship between US and Mexico. She commented that Pomona was powerful when it comes to water. She provided an update on Coffee with the Cops, and shared that it was a nice opportunity to spend time with residents and Police Officers. She congratulated the Police Department on their promotions. She noted that she had attended the Phil and Nell Soto Park walkthrough last week with Councilmember Gonzalez and the Mayor. She invited everyone to attend the Ribbon Cutting for the first Dog Park in the City on October 28<sup>th</sup> at Decker Park from 11:30 a.m. to 1:30 p.m.

Councilmember Carrizosa reported that she had cleaned up part of Garey Avenue and had attended the Pumpkin Festival, as well as the Pomona Read. She said it was a very nice activity with different presentations and then off to the Grand Opening of Café con Libros, the newest bookstore in Pomona. She stated that she had also attended the Vietnamese Children's Festival on Holt Avenue and had visited the dA Gallery and was able to look at the art and enjoy a beautiful evening downtown. She encouraged everyone to visit the downtown area.

Councilmember Gonzalez reported he had attended similar events as his colleagues, as well as the Spectra YMCA project presentation at the Ebell. He spoke about the ribbon cutting for a low income residential home City staff worked on with Mayan Development on Casa Vista Drive. He shared that he did not attend the Sacred Heart Fiesta because there were too many events on the same day. He said he attended the St. Joseph's harvest festival, and invited colleagues to attend the Ganesha High School vs. Garey High School football games at 7:00 p.m. on October 20<sup>th</sup> and 27<sup>th</sup>.

Mayor Sandoval commented that the City needed an orange trophy cup to be given to the top high school football team in the future.

Councilmember Gonzalez stated that the Pomona Reads event was scheduled on the same day as several other events and suggested merging this event with the Chalk Festival to be hosted at the Civic Center. He spoke about the City's website calendar of events potential to bring events together if there was a software upgrade. He asked staff to follow up with information on the software upgrade.

### **CITY MANAGER COMMUNICATIONS**

City Manager Lowry suggested moving Item 10, Amazon HQ2 Proposal discussion, ahead of the Consent Calendar as there were many community members in the audience to show their support. She announced there was a slide presentation that would be beneficial for the public to view earlier in the meeting.

**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY COUNCILMEMBER GONZALEZ, CARRIED BY UNANIMOUS VOTE (7-0) to move Item 10 ahead of the Consent Calendar.**

### **PUBLIC PARTICIPATION**

Mayor Sandoval announced that there would be a two minute time limit per person for Public Participation.

Douglas Pierce was not present when called upon to speak.

Carlos Gonzales expressed concern with comments made in the media by Councilmembers regarding the City not having enough money to pay for medical costs, pension, and wages. He stated that comments like these villainize City employees with a perception that they make tremendous amounts of money or that retirement rates are extremely high. He spoke about the financial responsibility and invited Councilmembers to work a day with a City employee.

Christopher Davenport spoke in opposition to abortion.

Norma Murakami spoke against Planned Parenthood and abortion.

Morris Carter, Pastor, Holy Mission Baptist Church spoke on behalf of Operation Parent for Life, noting that human life is a gift from God and expressed their opposition to abortion.

Jeffrey Marcus Sanchez, Jr. Pomona Resident and City of Pomona employee, expressed concern with the condition of the City medians off Garey Avenue, along the new construction from Foothill to Pomona Valley Hospital. He was also concerned with recent comments about halting raises and City employees being overpaid. He requested Council take notice of the work that is done.

Robert Frank Nevarez, Marine Corp Veteran, City of Pomona employee for nearly 18 years, and Vice-President of Teamsters 1832, expressed concern with comments made by Councilmembers Carrizosa and Torres, postponed raises, furloughs, layoffs and reduced services.

Javier S. Cruz, City of Pomona employee for 14 years, spoke in support of the men and women who work for the City. He shared that these employees were hurting and tired. He expressed concern for the amount of deductions from paychecks for PERS and Medical from paychecks and invited Council to work with him for a day.

Jose Diaz, Pomona resident, expressed concern with families being separated. He indicated that he had prepared a document to submit to Council to create policies that would protect the families affected.

Jim Sambrano, Attorney at Law, stated he was present to advocate for the undocumented immigrants of Pomona who cannot advocate for themselves. He spoke about the significant changes to the law imposed by the recent passing of Senate Bill 54 and the implications of mandated programs to include additional duties for the Police Department, a consultation with the State Attorney General by October 1<sup>st</sup> and development of new programs and procedures. He stated that he would submit a draft ordinance; requested City Council for their review and to be placed on a future agenda.

Evelia Rocha, member of Padres Unidos of Pomona, Ice Coalition of Pomona, shared concerns from immigrant parents and children regarding citations, and the fear that parents would be taken away. She stated that the Coalition was drafting an ordinance and requested the Council review and place the ordinance on the next agenda.

Elmer Vidana, 5K Director, thanked the City Council for their support and expressed excitement for Pomona's first 5K.

Alfredo Gonzalez, 5K Planning Committee Member, announced that the race was planned in three months and that there were 485 registered participants, of which 60-70% were Pomona residents.

NOTE: Councilmember Escobar stepped away from the dais.

Councilmember Ontiveros-Cole inquired and Mr. Vidana replied that the race would begin at 8:00 a.m. and bib pick up would start at 6:00 a.m. the day of the event with music and coffee. He stated that an early pick up was scheduled on Friday from 5:00 to 8:00 p.m. at Mi Cafecito Coffee.

Teresa M. Santee, Citizens Climate Lobby volunteer, spoke about an event at the dA on the next Saturday, which would be educational, artistic, musical and a lot of fun. She provided invitations to the Council and fellow Pomona residents.

Artimus S. Jenkins, introduced his organization, an outpatient substance abuse prevention and education program, located at 404 N. Gibbs. He announced that the organization offered anger management and domestic violence counseling. He advised that he was trying to collaborate with the Department of Health Services to offer these services to the public free of charge.

Hank Mollet was not present when called upon to speak.

Maria Galvan spoke in support of the ICE Out of Pomona Coalition.

M. Joyce Bakersmith thanked the Mayor for attending the Optimist fundraiser. She spoke about the 16<sup>th</sup> Annual Cultural Festival entertainment and invited everyone to attend at the Willie White Park and Community Center following the 5K until 5:00 p.m.

Claudia Bedolla, spoke about Senate Bill 54 and asked that Pomona continue to take a lead in protecting hard working immigrant families.

Paola Avendano spoke on behalf of Assembly Member Freddie Rodriguez and invited Council and the audience to the Women's Health Fair on October 28, 2018 from 10:00 a.m. to 12:00 p.m. at 5443 E Street in Chino.

Alejandro Juarez, Mt. Sac Student Organizer for Mecha, thanked Council for the Proclamation for Indigenous People. He spoke about an annual collaborative event with songs and prayer to recognize indigenous people. He invited Council and the audience to the Dia de Los Muertos Celebration sponsored by Taqueria de Anda on November 7th from 2:00 to 7:00 p.m. in the Student Life Office. He asked local representatives to support the 2017 Dream Act.

Councilmember Torres shared that the Mayor and Council had supported a resolution urging Congress to pass the Dream Act.

## **CONSENT CALENDAR**

**MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, approving the Consent Calendar, except Item No. 5 which was pulled for a separate vote.**

1. Draft Minutes of the Special Study Session of May 6, 2017 and the Regular Meeting of May 8, 2017.
2. Resolution Approving Lot Merger LM7 2017 of Lots 1 Through 12, Together with the Abutting Vacated Alley Extending North and South, All in Block 42 of the Pomona Tract, Recorded in Book 3, Pages 90 and 91 of Miscellaneous Records, County of Los Angeles, Assessor Parcel Numbers 8341 004 041, 042, 051 and 052, for Tenant Improvement of the Western University of Health Sciences Office Building at 100 W. Second Street and 225 263 S. Garey Avenue, Pomona, CA (Council District 2)

## **RESOLUTION NO. 2017-142**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING LOT MERGER LM7 2017 OF LOTS 1 THROUGH 12, TOGETHER WITH THE ABUTTING VACATED ALLEY EXTENDING NORTH AND SOUTH, ALL IN BLOCK 42 OF THE POMONA TRACT, RECORDED IN BOOK 3, PAGES 90 AND 91 OF MISCELLANEOUS RECORDS, COUNTY OF LOS ANGELES, ASSESSOR PARCEL NUMBERS 8341 004 041, 042, 051 AND 052, FOR TENANT IMPROVEMENT OF THE WESTERN UNIVERSITY OF HEALTH SCIENCES OFFICE BUILDING AT 100 W. SECOND STREET AND 225 263 S. GAREY AVENUE, POMONA, CA**

3. Construction Contract in the Amount of \$734,205 to Gentry Brothers, Inc. for the "ADA Path of Travel Citywide (CDBG) (FY 14 15 to FY16 17)," Project No. 428 2590 XXXXX 64774
4. Resolution Approving the Caltrans Supplement Agreement No. 019 F for Reimbursement of City Costs for "Street Rehabilitation Districts 2 and 3," Project No. 67914; Amending the FY 17-18 Capital Improvement Program (CIP) Budget by Receiving and Appropriating \$860,000 of STP L Funds to Same Project; and Award a Construction Contract in the Amount of \$1,718,673 to Hardy & Harper, Inc. for "Street Rehabilitation Districts 2 and 3," Project No. 67914; "Street Improvements Citywide (CDBG) (FY 15-16 to FY 17-18),"



Project No. 64807, and "Sidewalks Penmar Lane (CDBG) (FY 16-17 to FY 17-18)," Project No. 67919

**RESOLUTION NO. 2017-143**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE ADMINISTERING AGENCY STATE PROGRAM SUPPLEMENT AGREEMENT NO. 019 F (ALSO KNOWN AS F019) BETWEEN CALTRANS AND THE CITY OF POMONA FOR FEDERAL AND STATE FUNDED PROJECTS FOR REIMBURSEMENT OF CITY COSTS BY CALTRANS FOR "STREET REHABILITATION DISTRICTS 2 AND 3 (FY 15 16 TO FY 16 17)," PROJECT NO. 428 2590 XXXXX 67914 (ALSO KNOWN AS CALTRANS PROJECT: STREET REHABILITATION IN EXISTING R/W DISTRICTS CITYWIDE; PROJECT NO. STPL 5070 (033) (07 5070F15) LA0G1256); AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ADMINISTERING AGENCY STATE PROGRAM SUPPLEMENT AGREEMENT NO. 019 f AND ALL SUBSEQUENT MODIFICATIONS TO SAID AGREEMENT ON BEHALF OF THE CITY; AMENDING THE FY 2017 18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY: MODIFYING THE PROJECT DESCRIPTION FOR "STREET REHABILITATION DISTRICTS 2 AND 3 (FY 15 16 TO FY 16 17)," PROJECT NO. 428 2590 XXXXX 67914; AND, AMENDING THE CIP BUDGET BY RECEIVING AND APPROPRIATING \$860,000 OF STP L FUNDS**

**5. THIS ITEM WAS REMOVED FOR DISCUSSION.**

- 6. Adopt a Resolution Amending the 2017 18 Capital Improvement Program (CIP) Budget by Appropriating \$689,000 of Refuse Fund Balance to the "City Lot Remediation" Project No. 418 2590 XXXXX 71021; and Approve an Amendment to the Agreement with EnSafe in the Amount of \$589,000 for the Continuation of the Onsite Soil Vapor Extraction Cleanup**

**RESOLUTION NO. 2017-144**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE 2017 18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$689,000 OF REFUSE FUND BALANCE TO THE "CITY LOT REMEDIATION" PROJECT NO. 418 2590 XXXXX 71021**

## **ITEMS PULLED FOR DISCUSSION**

5. Second Reading and Adoption of Two Ordinances Related to an Expansion of the Parking Lot for Casa Colina, Approving Change of Zone (Zone 4972 2016) to Change the Zoning Classification From R 1 7,500 to the Pomona Corridors Specific Plan Residential Transition Area, and Specific Plan Amendment (SPA 4920 2016) to Expand the Boundaries of the Pomona Corridors Specific Plan Residential Transition Area for the Properties at 267, 279 and 291 E. Bonita Avenue, 2815 Melbourne Avenue and the First Public Alley North of Bonita.

### **ORDINANCE NO. 4239**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING CHANGE OF ZONE (ZONE 4972 2016) TO REZONE THE PROPERTIES AT 267, 279, AND 291 E. BONITA AVENUE, 2815 MELBOURNE AVENUE AND THE FIRST PUBLIC ALLEY NORTH OF BONITA AVENUE FROM R 1 7,500 TO THE POMONA CORRIDORS SPECIFIC PLAN RESIDENTIAL TRANSITION ZONE**

### **ORDINANCE NO. 4240**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT (SPA 4920 2016) TO AMEND THE POMONA CORRIDORS SPECIFIC PLAN (PCSP) BY EXPANDING THE BOUNDARY OF THE RESIDENTIAL TRANSITION AREA FOR PROPERTIES LOCATED AT 267, 279 AND 291 E. BONITA AVENUE, 2815 MELBOURNE AVENUE AND THE FIRST PUBLIC ALLEY NORTH OF BONITA**

**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 6-0-1-0, COUNCILMEMBER SANDOVAL RECUSED, ADOPTING ORDINANCE 4239 AND ORDINANCE 4240 AT SECOND READING.**

## **DISCUSSION CALENDAR**

7. Finding of Public Benefit to the Community at Large for Recommended Expenditures

### **CURRENT REQUESTS:**

- A) Amend payee to the Pomona Public Library Foundation for digital advertising in support of Pomona Reads 2017 Amount requested: \$1,000  
B) Amount to be determined in support of the District Three El Dia de Los Muertos event  
Amount requested: TBD

- C) Amount to be determined to purchase Pet Waste Disposal Bag Dispensers in support of the Pomona Beautiful cleanup movement Amount requested: Amount requested \$1,700

Councilmember Carrizosa informed she would contribute \$300.00 to Item No. 7B.

**MOTION BY COUNCILMEMBER ROBLEDO, SECOND BY COUNCILMEMBER CARRIZOSA, CARRIED 7-0, making a finding of public benefit for Items 7A through C.**

8. Adopt a Resolution Approving Exception to the 180 day Wait Period for Retired Annuitant Employment Pursuant to California Government Code Sections 7522.56(f) and 21224

**RESOLUTION NO. 2017-145**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, FOR EXCEPTION TO THE 180 DAY WAIT PERIOD FOR RETIRED ANNUITANT EMPLOYMENT (GOVERNMENT CODE SECTIONS 7522.56 & 21224)**

Human Resources Director Linda Matthews reported this item was to re-hire the former Payroll Supervisor who had retired. She noted it was being presented as a Discussion Calendar Item, consistent with Cal PERS regulations and the law that requires Council to approve any exception to the 180 day wait period.

**MOTION BY VICE MAYOR ESCOBAR, SECOND BY COUNCILMEMBER TORRES, CARRIED 7-0, adopting Resolution No. 2017-145.**

9. Fiscal Year 2016-17 June Unaudited Year End Report (90% Complete).

Finance Director Onyx Jones provided a Power Point Presentation and brief overview of the staff report. She discussed a preliminary review of the City's financials for Fiscal Year ending June 2017, as well as preliminary information, as the audit was still underway. She highlighted the following:

- Budget for Fiscal Year 2016 deficits
- Ending the year with an estimate \$1.4 million due to onetime revenue
- Revenues: property taxes, largest source and exceeded budget (\$2.5 million or which, \$2.2 million was a one-time excess residual money from the ROPS process); other taxes (business license, franchise fees); other (reimbursements, fees or fines)

- Utility User Tax Revenue concerns about decline in telecommunications (\$1.3 million) and electricity; made attempts to mitigate the loss with the franchise tax board
- Meeting financial requirements for successor agencies to repay loans to the County and need to negotiate the terms of a balance is \$50 million repayment.
- Sales Tax, online sales increased and one-time money from Alta Gas (\$126,000).
- \$974,000 one-time revenue from Bond Refinancing of the General Fund
- Expenditures (departments did a great job staying in line with budget; personnel costs were the largest
- Ended the year with a surplus due to one-time revenues; provided a list to Council
- Spoke about a structure deficit in the budget, ongoing revenues not meeting ongoing expenditures
- Money for capital improvements was not included due to projected deficit
- \$18 million in reserves; meets current reserve policy (17%)
- Bond rating A+
- Preparing a 10 year outlook for the City

Mayor Sandoval inquired and Director Jones responded that she was trying to schedule a meeting with the County sometime in November. She was not optimistic that they would reach a resolution quickly and stated that staff would be proactive with their communications with the County.

Mayor Sandoval clarified that there was a \$50 million dollar amount that had to be paid over a period of time that still had to be negotiated. He commented that if 50 years, \$1 million per year was a lot for the City.

Director Jones stated the amount was actually larger because they compound the interest and that with the term of the current agreement the City would owe about \$120 million. She stated it was very complicated and would be interesting. She commented that attorneys were involved and that it was a process that other cities were going through as well. She spoke about incentives and leverage to move quickly in order to do bond refunding.

**MOTION BY MAYOR SANDOVAL, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7-0, to receive and file the Fiscal Year 2016-17 June Unaudited Year-End Report.**

Councilmember Carrizosa requested a study session on the sustainability report.

**NOTE:** Item 10 was taken out of order and discussed prior to the Consent Calendar.

- 10.** Adopt a Resolution Authorizing the Mayor to Submit a Response to the Amazon Headquarter 2 Request for Proposals

**RESOLUTION NO. 2017-146**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA,  
APPROVING AND JOINING IN A SUB REGIONAL RESPONSE, ALONG WITH CAL  
POLY POMONA AND FAIRPLEX, TO AMAZON'S REQUEST FOR PROPOSALS FOR  
A SECOND CORPORATE HEADQUARTERS (HQ2) LOCATION**

Tom Shieh provided a presentation on this item. He announced that Amazon was looking for cities that met certain requirements as follows: 1) near freeways 2) near international airport 3) with mass transit 4) connection to universities 5) attract and hire young technical talent. He shared details about the joint proposal between Cal Poly, Pomona, Fairplex and the County of Los Angeles for the Amazon Poly Plex at LA's Starfish, a subregional solution for HQ2, a place to work, live, learn and play. He discussed the potential for economic opportunities for the City.

The following individuals spoke regarding this item:

Dr. Soraya Coley stated that Cal Poly sees this extension of their strategic agenda to extend opportunities for students and invest in the region. She shared a discussion she had with Councilmember Gonzalez about the impact of General Dynamics withdrawal from the community and spoke about the opportunity to provide economic stimulation and other resources for the area, consideration of the short and long term impact and mitigation of the drawbacks.

Miguel A. Santana, Fairplex President/CEO, spoke about the history of the Fairplex, its purpose and the City being a self-contained community to live, work, play and learn. He stated that they were trying to go back in time and look into the history to plan for the future, the proposal allowed for the community to go back to being a self-sufficient community. He stressed the need for City Council support because Amazon was looking at an alignment of political support, from the local to state level. He shared that the governor had expressed his support, and that the governor had committed to prioritize those cities with this major investment of over \$5 billion dollars to improve the major transportation systems, including freeways. He thanked Council for working with them and asked for their support.

Senator Connie Leyva asked the Council to dream big for the City of Pomona and to raise expectations for everyone who lives in the community. She commented that change could be scary; however, an opportunity was being presented to change the City, residents' lives and

the surrounding region forever in a positive way. She committed her support as the State Senator, personally, and at the state level.

Councilmember Torres read into the record a letter from Congresswoman Torres expressing her support for Cal Poly Pomona and urging the Amazon CEO to give the proposal full consideration.

Marc B. Hansen was glad that the letter had been read and commented that a combined bid weakened the proposal. He clarified that Congresswoman Torres had submitted the letter to Amazon CEO, Mr. Bezos only in support of the Cal Poly Lanterman property.

Mayor Sandoval set two minute time limits for speakers.

Arturo Jimenez, President of Laguna Technical College, shared a discussion with his daughter about the positive impact of having Amazon in Pomona. He stated that Laguna Technical College stood with the City Council to have this resolution passed. He commented that the City had to work together as one Pomona.

Ann Henderson, District 6 resident, stated that she wholeheartedly supported the proposal and did not see a downside. She spoke about the opportunity to transform Pomona and the region, and urged Council to support the resolution.

Fred Van Allen, Realtor, spoke about Pomona having an affordable real estate compared to the rest of the region and urged Council to support the Amazon HQ2 RFP.

Erica Frausto, Executive Director, Pomona Chamber of Commerce, voiced her support for this project. She spoke about the Chamber's mission to support new business and projects that encourage economic development and revenue for the City. She said this was an opportunity for significant change in the Pomona Valley Region, and commended Fairplex and Cal Poly for their work.

Mike Davis, small business owner; voiced support for Amazon. He spoke about jobs and hope for the homeless noting that Amazon could bring Pomona back to being the premiere city that it was 30 years ago.

Victor Caceres, Executive Director Youth and Family Club, expressed his excitement and voiced his support for this proposal. He spoke about this project giving kids hope, aspirations and goals at home, not out of state, which was a huge transformation.

Mario Ramos brought up conflict of interest concerns with a project committee member. He stated that Amazon could be a good project and that Cal Poly on Lanterman would be the ideal site. He expressed concern with the Fairplex agency, and shared that the group he represented (Protect our Neighborhoods) had issues that had not yet been resolved and he was uncertain of their strategic plans. He believed that the Fairplex site should be removed from consideration.

James Dale, Vice President of Development, Pomona Valley Hospital-Medical Center; voiced support for HQ2 Amazon project with Fairplex and Cal Poly. He stated that Amazon was looking for communities that were thinking and dreaming big, and a community with world class healthcare. He shared the medical center had a new trauma center and was ready to provide care for Amazon employees. He asked for Council to approve and recommend HQ2 Amazon be built in Pomona.

Ron VanderMolen, resident, challenged the Council to lead with vision and hope, and to believe in the potential of what the surrounding region could be with a project such as Amazon.

Mayor Sandoval read into the record the names of those in support of the item who did not wish to speak as follows:

- |                         |                            |                       |
|-------------------------|----------------------------|-----------------------|
| • Sandra Vaughn-Acton   | • Ted Naus                 | • Mary Prendergast    |
| • Susan VanderMolen     | • Carrie Baker             | • Elizabeth A. Brooks |
| • Benny Ayala           | • Andrew Quinones          | • Anastasia Jimenez   |
| • Jerry Ruhl            | • Carolina Lamey           | • Christian Jimenez   |
| • Kate Valdez           | • Carol Wilt               | • Kairi Jimenez       |
| • Fred Stillions        | • Gary Wilt                | • Fiona Cummings      |
| • Steve Lustro          | • M. Joyce Bakersmith      | • Rebecca Irwin       |
| • Sharon Lustro         | • Dawn Van Allen           | • Megan Samaniego     |
| • Rene Barbee           | • Diego Jimenez            | • Frank Guzman        |
| • Eva Thiet Maiz        | • Jennifer R. Gutierrez    | • Ann Tomkins         |
| • James Gallivan        | • Roberta Pearlman         | • Richard Martinez    |
| • Monica Medina-Jimenez | • Alfredo Camacho Gonzalez |                       |

Councilmember Robledo noted there were many leaders present who supported the project. She stated this was an opportunity not to be missed, as the potential rewards were great. She commented that stopping now would not help the City and to move forward they must think regionally. She spoke about the presentation portraying all the different aspects and offerings of the City, and noted that the presentation and package had been put together in a very concise manner that would position Pomona to advance. She voiced her support to move forward and stated there would be opportunity later to work through any setbacks or concerns.

Councilmember Torres voiced his support for the Amazon bid for Cal Poly on Lanterman and discussed the opportunity for added jobs in Pomona and the missed opportunity when the California Air Resource Board had been looking for a Headquarters location. He shared this was one of the reasons he had run for Council. He was happy that the project would be going through the Planning Commission and City Council for approval, so they could address any major issues and put conditions on the project that would protect the safety and integrity of the neighborhood. He shared information from a Forbes Magazine article about studying such proposals to address issues such rising housing prices, transportation infrastructure gridlocks,

pollution and wear and tear on City roads. He expressed concern with the portion involving the Fairplex, specifically the impact on the millions of visitors, parking and surrounding historic neighborhoods. He spoke about ensuring residents who pay taxes were able to provide proper input and that Amazon was looking for local and state government incentives. He inquired on the types of incentives they anticipate Pomona would provide to Amazon.

City Manager Lowry responded that staff had not reviewed the revenue system to see where it would be possible to provide incentives, and that without knowing what and where the project would be, there was no way to create that scenario to prepare estimates.

Councilmember Torres stated the Council's report mentioned infrastructure, land contributions and tax increment financing.

City Manager Lowry responded that the infrastructure tax increment financing was newly available to local government. She said Pomona did not have this in place and in order for it to be discussed, the location and the required infrastructure investment would need to be known.

Discussion ensued with regard to how Amazon came to be included in the strategic plan and how past issues with Fairplex could affect the proposal.

Councilmember Torres voiced his support with an amendment.

Councilmember Carrizosa stated that this was an opportunity that she would not let go. She noted that the fact that Cal Poly, Fairplex, the hospital and many other key players were voicing support gave her a sense of trust. She expressed her support for this item.

Councilmember Escobar asked who besides the Mayor was involved from the City.

City Manager Lowry responded that when the question was asked about Tom Shieh, her answer would have been that he had lead the economic development section of Pomona's Promise and one of the five initiatives that was comprised of a partnership of local businesses, non-profits and governmental agencies. She noted that Kirk Pelser had been a part of the economic initiative and when this opportunity was discussed, Kirk became the City representative in the process as they put their proposal together. She stated that when information was required, additional City staff would work to get Mr. Pelser the necessary information.

Councilmember Carrizosa inquired and City Manager Lowry responded that none of the City employees believed that their faces were as productive at selling an idea as the City Council and Mayor.

To inquiries from the Council, City Manager Lowry responded that any project that would come through would be a top priority for the Public Works Department, Engineering, Developmental Services, Water Department, to ensure the project was done efficiently and to the highest standards.



Councilmember Escobar expressed support for this item and commented that she would hate for this project to get pushed off to the side.

Councilmember Gonzalez commended Senator Leyva, President Santana, School Board representatives, and Dr. Coley for being in attendance. He agreed with his colleagues and commented that Dr. Coley, President Santana, and Mayor Sandoval were speaking the same language of cooperation and progress. He stated this was a once in a lifetime opportunity for a City like Pomona.

Councilmember Ontiveros-Cole stated this project was something she had been waiting for. She thanked Councilmember Torres for his work with the Fairplex and his questions to Mr. Santana. She stated that it was time to revitalize the City with a company like Amazon. She noted that Pomona would go back to the way she remembers it as a child. She expressed her support for this item.

Mayor Sandoval stated that historically the City of Pomona, founded in 1888, had been the jewel of the valley and a leader in citrus agriculture. He said that Post World War II, Pomona had General Dynamics and many neighborhoods had developed around that area; however, when General Dynamics left, it created an economic vacuum with challenges for many years. He stated that the City now had an opportunity, and although it may be a long shot, he had received messages from the citizens that expressed excitement and enthusiasm. He expressed support for this item as a potential economic engine, and shared that he did not imagine being in this position nine months ago. He said it was a great position to be in and he looked forward to working with colleagues and the amazing leadership in the community.

Councilmember Torres spoke about the importance of presenting a unified City Council to Amazon, and requested that all Councilmembers' names be included in the letter of support to Amazon.

**MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7-0, adopting Resolution No. 2017-146 authorizing the Mayor to submit a response to the Amazon Headquarter 2 Request for Proposals.**

## **PUBLIC HEARINGS**

11. PUBLIC HEARING - Introduction and First Reading of an Amendment to the Pomona Zoning Ordinance (CA 8233 2017) and Specific Plan Amendments (SPA 8235 2017) to Explicitly Prohibit Commercial Marijuana/Cannabis Activity Citywide; and Second Reading of an Ordinance Implementing a Permitting and Regulatory Scheme for Indoor Personal Marijuana Cultivation and to Prohibit Smoking Marijuana in Designated Areas

**ORDINANCE NO. 4241**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING CODE AMENDMENT (CA 8233 2017) AMENDING THE ZONING ORDINANCE AND SPECIFIC PLAN AMENDMENTS (SPA 8235 2017), AMENDING THE PHILLIPS RANCH SPECIFIC PLAN, DOWNTOWN POMONA SPECIFIC PLAN, MOUNTAIN MEADOWS SPECIFIC PLAN, MISSION 71 BUSINESS PARK SPECIFIC PLAN, KELLOGG PLAZA SPECIFIC PLAN, POMONA CORRIDORS SPECIFIC PLAN, AND THE POMONA VALLEY HOSPITAL MEDICAL CENTER (PVHMC) SPECIFIC PLAN TO EXPLICITLY PROHIBIT COMMERCIAL CANNABIS ACTIVITY CITYWIDE**

**ORDINANCE NO. 4242**

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

**OR**

**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 PROGRAM FOR INDOOR PERSONAL CANNABIS CULTIVATION AND TO PROHIBIT SMOKING CANNABIS IN DESIGNATED AREAS**

Assistant City Attorney Andrew Jared provided an overview of the item, noting that it was a culmination of the presentations provided to the Council in May, introduction and first reading of an ordinance in July, and four presentations made to the public in August and September.

He noted the following:

- The State Legislator to incorporate the medical and recreation marijuana regulations at the State Level
- Provided a definition of “smoke”

- Spoke about notable restrictions on personal use, no smoking in public spaces, where tobacco is prohibited, in vehicles, City owned property or within 1,000 feet of daycare centers, schools or youth centers
- Maintains the rights of employers to maintain drug-free workplaces through drug testing program.
- Attachment 1 - Zoning ordinance amendment
- Attachment 2A - City Code amendment; recommended version to introduce for first reading and adopt
- Should Council adopt Attachments 1 and 2, would still need to come back for a second reading at another regularly scheduled meeting on November 6
- Provided personal cultivation ordinance clarification
  - no personal cultivation without a City issued permit
  - no outdoor or commercial cultivation
  - the indoor personal marijuana cultivation allows for cultivation to happen indoors (residence, house, apartment, mobile home)
  - residence defined as a single unit, not an apartment building
  - Permits issued to a single residence not a resident
- Recommendations from community members that the permit system require the written and notarized consent of the property owner to allow cultivation to take place on the premises.
- Permits ensure compliance with building codes and prevent fire hazards
- Proposed code amendment states no smoking in public places, including front yards or areas that can be viewed from public property and no odor or environmental impact will be detectable offsite, smoking is prohibited in places where tobacco use is prohibited; additional language dealing with cultivation; includes language to address technology changes in smoking devices and the consumption of cannabis products (not just burning); a few typographical changes to include all aspects of marijuana; notation of cannabis Sativa vs. other types, confirmed as presented the same as Prop 64 amended to ensure it covers all; ordinance banning all commercial uses to ensure there is not a grandfathered use that comes in under a statewide permit issued before the City can take regulatory action.

### History

- November 2016, the Adult Use of Marijuana Act, Prop 64 was passed by the voters in the State of California, which 1) legalized non-medical use of marijuana for persons 21 and older, 2) allows for personal cultivation of up to six plants in a residence 3) still recognizes it is illegal to smoke cannabis in public, drive under the influence, to sell without a state permit, to possess over 20.5 grams for transport.

- A portion of Prop 64 that will become effective January 1, 2018 to allow commercial cultivation, distribution of non-medical marijuana, and manufacturing of marijuana products, if a state license is granted; these regulations would be re-proposed in November
- The State can issue licenses to have commercial activities within cities unless that city has an ordinance prohibiting a specific aspect of commercial endeavors
- 2006 City of Pomona enacted a moratorium on medical marijuana use which resulted in a zoning amendment in 2008 to prohibit medical marijuana dispensaries as a land use.
- January 2016 enacted an ordinance prohibiting cultivation citywide
- May 2017 study session regarding Prop 64 implications with speakers
  - The result of cannabis use on adolescents
  - Traffic related issues
  - Impacts in the State of Colorado after legalization
  - Potential for business opportunities associated with cannabis
- May 2017 Council direction was to bring back proposed bans, personal use and land use to protect against State Use licenses becoming grandfathered in.
- July 2017 brought back two ordinances, the first was introduced on First Reading on personal cultivation regulatory permit system and to clarify where smoking was allowed; the second was a draft ordinance as a zoning code amendment, Council directed staff to take this to the Planning Commission
- September 2017 the Planning Commission recommended a ban on commercial activities as a land use regulation.

Councilmember Carrizosa inquired and Assistant City Attorney Jared informed that Prop 64 addressed hemp and was also addressed in the staff report. He noted that industrial hemp was of the cannabis family of plants, the THC level was extremely low and the seeds could not produce the type of cannabis normally associated with getting high or medicinal uses.

Councilmember Carrizosa clarified that anyone wanting to plant the allotted amount of cannabis could plant the same amount of hemp in his/her garden.

City Attorney Jared stated that cannabis did not mean industrial hemp; therefore, it would not be prohibited. He clarified that growing in only permitted in an enclosed space, and noted that allowing outdoor grows, leads people seeing it, predicted shortage and a rush for people to try and get plants, stated the plants in other cities have been stolen.

**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7-0, to open the Public Hearing.**

Catalina Gonzalez, Prevention Coordinator for Day One, spoke in support of staff recommendations. She stated the ordinances being presented were sound prevention policies and were close in alignment with public health science and research on marijuana.

Ann Tomkins stated that she was not opposed to the proposed ban on commercial operations. She asked that the City research commercial operations, and spoke in opposition to the personal cultivation ordinance. She stated it did not have the same time constraints that the commercial ordinance and she would like to see more evidence. She expressed concerns that the City was being premature and should not be adopting an ordinance without knowing the associated permit fee.

Nicholas Perez, President and Founder of California and Inland Empire Cannabis Business Association; stated that he represented the business side of legalized marijuana and his association was available to provide free information to Council regarding commercial medical growing. He advised that they were not a consulting firm and spoke about potential sales revenue to help with City infrastructure.

The Mayor read into the record the names of those that support or oppose the ban but did not wish to speak.

- Anne Henderson, supports the ban
- Andrew Quinones, opposes the ban
- Roberta Pearlman, supports the ban

**MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7-0, to Close the Public Hearing.**

Councilmember Escobar thanked the City Attorney for the presentation, and stated that there were two versions of the actual ordinance, one with “cannabis” and one with “marijuana.” She asked and Assistant City Attorney Jared responded that version 2A was an augmented version of version 2; Senate Bill 94 was passed over the summer and states that “cannabis” is the term to use.

Councilmember Escobar stated that as of the last meeting, she was not entirely supportive of a ban including medical marijuana. She acknowledged that they would get information in January per the decision of the Council giving staff the correct amount of time to bring back a comprehensive report for grow cultivation. She was in favor of putting this ban in place because the community was not ready. She shared that having community meetings was not enough, because the Council could not force 155,000 people to attend, and this was

something that requires continuous outreach and education. She read into the record a speech about her feelings pertaining to medical marijuana.

Councilmember Ontiveros-Cole expressed concerns for indoor cultivation and did not understand the feasibility. She expressed support for medicinal cannabis. She was not in favor of the restriction to indoor growing and believed that Council should hold off on that part of the ordinance. She inquired how the City would control and police this. She stated that she was in favor of the ordinance because the City was not ready for commercial use and agreed with staff about waiting on commercial zoning.

Councilmember Gonzalez stated that there would be a need to have someone on staff that could tell the difference between hemp and pot, and asked if it would be possible to divide the question as far as indoor cannabis cultivation and prohibiting smoking cannabis in designated areas and then tackle the other portion. He did not want to see it grown outdoors and smoked in public view.

Assistant City Attorney Jared responded affirmatively.

Councilmember Gonzalez desired to move forward with the second reading of the cultivation and the public smoking, and then focus on the first reading of the zoning ordinance, which seemed to be where they had stalled previously.

Assistant City Attorney Jared clarified that the first reading had been heard in July, and if they pulled sections out of it, the ordinance would have to be reintroduced as a first reading once again. He advised that the concept of separating out those portions of the ordinance they agreed on was good. However, he stated that it appeared that there was a lack of support from some on a permit system.

Councilmember Gonzalez stated he was not against the permit requirement; however if they didn't pass an ordinance prohibiting smoking in public and address the safety concerns of overloading electrical outlets, he would request a second reading as written for cultivation and smoking in public areas.

Assistant City Attorney Jared stated that if the permit was the issue, it was 34901A, 34902B required a permit; 34902C describes what must be in the permit; 34902D consisted of indoor personal regulations that can get a set of standards and most what is in personal indoor cultivation were common health and safety regulations. He stated Council could move forward with D but still not have a permit for it, and that B and C would be removed. He stated it was up to the Council, but it could get quite complex.

Councilmember Gonzalez stated he liked the idea of the permit because then the City would know where the cannabis was being grown.

Councilmember Escobar asked if the public would be notified that a permit was required, noting a previous example of the flower and taxes. She was informed by Assistant City Attorney Jared that the flower was a different issue and that there was no tax on personal cultivation. Taxes only apply to commerce and it is not legal to sell personal cultivation.

Councilmember Escobar stated a system of checks and balances should be put in place. She stated she was in favor of a permit; however, she inquired how it would be regulated.

Assistant City Attorney Jared stated if there were portions of the cultivation permit system that didn't work, it could be revised. He confirmed that staff did not know the permit price because they didn't know what the inspection would be, noting that with a Conditional Use Permit there were several thousands of dollars that could be subsidized. He commented that these were policy decisions that the Council could make.

Mayor Sandoval commented that not everyone had spoken yet and he would like to hear from Councilmembers Torres and Robledo before proceeding.

Councilmember Torres concurred with his colleagues, and shared his vision for a pilot program with one multi-disciplinary clinic with a primary care physician and psychologist to diagnose and properly document the use of cannabis. He believed that only through a thorough vetting process should a patient get a recommendation for medical grade marijuana.

Councilmember Robledo spoke about maintaining control and not being contained by future legislation. She stated the City was being proactive and not reactive, and commented that Councilmember Escobar was very eloquent in voicing her concerns and she agreed that the community was not ready for dispensaries. She stated there would be push back from vocal groups and that it would not be prudent to put the City in a position of not being open to opportunities because they could be an avenue for revenue. She discussed the use of manufacturing sites, signage, exploring future possibilities and putting the City Council in a position where they were the decision makers.

Councilmember Escobar inquired if the ban went through on both ends, when could Legal Counsel come back with a rate schedule and an enforcement and regulatory system.

**NOTE:** Councilmember Gonzalez left the dais at 11:37 p.m.

Assistant City Attorney Jared replied that he could have that information upon reaching clarity as to what the City was proposing to do. He indicated that there would only be a permit associated with personal cultivation and doing a fee study would take four to five weeks. He noted this would be implemented by resolution at a later date, and would typically be done after the ordinances had been approved.

Councilmember Escobar stressed that there were only four meetings left in the year and time was of the essence.

Assistant City Attorney Jared stated there was no deadline on personal cultivation, as Ms. Tomkins had mentioned, it had been allowed since November 9, 2016.

Councilmember Escobar asked for statistics from the Police Department noting the difference between now and November with finding cannabis plants in people's homes.

Councilmember Carrizosa mentioned that she got lost in the discussion with the extrapolating of items. She spoke about Council trying to achieve control, so that when the laws were clarified, Council would be in a position to decide how to proceed. She commented that she didn't think the personal cultivation part would work out because it was too cumbersome. She voiced her support to approve the ban and moved to approve the recommendations as presented. She noted that Council had not discussed the commercial cultivation of hemp and this may be an area that would provide revenue and be less problematic. She stated that it was an industry that could be located in Pomona's industrial areas.

Councilmember Escobar responded that this discussion would take place in January.

Assistant City Attorney Jared mentioned that the commercial cultivation would require a license from the State and the State would review to ensure the business had the proper permit from the City. He asked Council to appoint the City Attorney's office as the liaison to the State for current Pomona law, per Senate Bill 94, to ensure that there would be a clear record. He indicated that if the Council did not appoint, the City Clerk would be the designated liaison.

Councilmember Carrizosa inquired and Assistant City Attorney Jared replied there were currently three codes that regulate cannabis: 1) no dispensaries 2) no outdoor cultivation 3) no deliveries. He explained that what was before Council that evening were two other ordinances, one being the ban on all commercial activity in all zones. He spoke about the Councilmembers' desire to explore commercial activity further; noting that the regulations that



govern the State license were unknown, and that was why the recommendation was to ban it all now commercially. However, when the regulations were released, Council could revisit.

Councilmember Ontiveros-Cole clarified that she was not against the commercial aspect because it would bring revenue to the City. She expressed an interest in exploring it further in the future.

Mayor Sandoval voiced his support for the ban, noting that he was open to considering alternative approaches to the permit process. He confirmed that State licenses would be grandfathered in if the City did not take action, adding that he wanted to approach it differently than his colleagues. He shared his view of the ban and said it was important to look at the cities that were banning it all together and which cities were not, as well as their reasoning. He mentioned that Claremont, La Verne, San Dimas, Glendora and Covina had banned it and El Monte had taken a different approach. He expressed concern with the impact that this movement had on poor communities and referenced the statistic that in Colorado, dispensaries and cultivation were centered in poor communities and this had a direct impact on the quality of life for those residents. He pointed out that middle and high income persons vote at a higher percentage than lower income, yet these voters were not allowing legalization to happen in their areas. He was worried about the impact on the youth and the message it sends and the overall image of Pomona. He spoke about the impact to the City, noting that as they discuss commercialization of marijuana they need to ask how it would contribute to the overall image of the City. He stated that Council needs to proceed cautiously and watch the impacts, noting that he was speaking specifically on recreational use.

Councilmember Escobar agreed with the Mayor, noting that marijuana should not be a means to an end.

Assistant City Attorney Jared clarified that the motion was an approval of the prohibition of all commercial use, Ordinance 2A, as written, and authorizing the City Attorney's Office to be the liaison to the State, with no amendments.

Councilmember Escobar requested a staff report on rates and/or fees in five weeks.

**MOTION BY COUNCILMEMBER CARRIZOSA, SECOND BY VICE MAYOR ESCOBAR, CARRIED 7-0, approving the introduction and first reading of Ordinance 4241 and second reading and adoption of Ordinance 4242.**

## **MATTERS INITIATED BY CITY COUNCILMEMBERS**

Councilmember Escobar asked for an update from Staff on the attendance, responsibilities and guidelines for commissions and commissioners.

City Manager Lowry stated that Deputy City Manager Gluba had been compiling this information and would provide what they had collected.

Councilmember Robledo noted that her job would be requiring her to be in the State of Georgia for most of the month of November and she would need information on teleconference options.

Councilmember Gonzalez asked staff to bring back numbers regarding the software upgrade for the City Calendar. He shared that he had received calls about parking permits and price increases and requested more information. He spoke about a potential moratorium on parking fees.

City Manager Lowry stated the City was creating permitted areas that he was unaware of.

Councilmember Gonzalez responded that he knew about Kellogg and Williams Street; however, he had heard there was another one being discussed on Huntington Blvd. and on Glenn, and had been told there was a list forming of these permitted parking areas all located near apartments. He requested follow-up information on the commissioners and expressed the need to regulate their attendance and/or removal.

Councilmember Carrizosa inquired and Councilmember Gonzalez responded that there were some Commissioners that were publically criticizing other Commissions and individual Councilmembers.

Councilmember Carrizosa spoke about her work to address the problem of pet soiling on the streets. She shared that she had created and posted signs, which had produced results, as she had noticed less debris on the streets and witnessed two men pick up after their dogs.

Deputy City Manager Gluba advised that there was a finding of public benefit for leash clip dog waste bags to address the pet waste issue. He noted that Councilmembers could order bags for their district and get them distributed to encourage people to pick up after their pets. He said the estimate was \$1700 for 1500 branded with "Pomona Beautiful."

Councilmember Torres reported that a weight bench, doors, plywood and drywall had been dumped on the south side of Ganesha Park, along the wash on the trail, and requested it be removed.

Councilmember Escobar wished everyone a Happy Halloween.

Councilmember Ontiveros-Cole inquired about the fireworks for the New Year and asked to work with the Police Chief to create a better strategy to address the firework problem.

Mayor Sandoval inquired about the continued issues on Riverside and Towne Avenue, noting that this should have been taken care of by August, and had been delayed to December. He asked for assurance that it would be addressed.

City Manager Lowry reported there was an email with the timeline and explanation of circumstances for the original estimate. She stated that she would make sure all Councilmembers received a copy.

Mayor Sandoval reported that Council had a Closed Session to work on goals that pertained to evaluations for key hires with a scheduled follow up session on October 23, 2017 at 7:00 p.m.

### **CLOSED SESSION**

The City Council reconvened into Closed Session at 12:20 a.m. on Tuesday, October 17, 2017.

### **ADJOURNMENT**

The City Council meeting was adjourned at 1:35 a.m. on Tuesday, October 17, 2017.

The next regular City Council meeting will be held on Monday, November 6, 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:

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

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Tim Sandoval  
Mayor/Chair of the Pomona  
Housing Authority/Successor Agency to  
the Redevelopment Agency