



# 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 Victor Preciado  
Councilmember Rubio R. Gonzalez  
Councilmember Nora Garcia  
Councilmember Elizabeth Ontiveros-Cole  
Councilmember Steve Lustro  
Councilmember Robert S. Torres*

#### VISION STATEMENT

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

---

Monday, March 2, 2020

7:00 PM

Council Chambers

---

#### 5:30 P.M. City Council Conference Room

#### **CLOSED SESSION**

##### **A) CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**

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

James Suess v. City of Pomona, et al.; Case No. 19PSCV00095

James Suess v. City of Pomona; WCAB Case Nos. ADJ10799317; ADJ10846030;  
ADJ10846070

##### **B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

(Pursuant to Government Code Section 54956.9 (d)(4))

One matter regarding possible litigation to be initiated will be discussed

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

City Attorney Sonia Carvalho reported that council discussed two items in closed session. One was a conference of legal counsel for item A, existing litigation. There was no reportable action for Item A. Item B was a conference of legal counsel and the City Attorney stated they were required to disclose the facts and circumstances to the public that this matter of anticipated litigation was regarding development of property on 7<sup>th</sup> and Garey Ave. There was no reportable action for Item B.

---

## **7:00 P.M. Council Chambers**

### **CALL TO ORDER**

Mayor Sandoval called the City Council Meeting to order at 7:01 p.m.

### **PLEDGE OF ALLEGIANCE**

Junior ROTC Color Guard from Ganesha High School presented the Posting of the Colors.

Councilmember Garcia led the Pledge of Allegiance.

### **ROLL CALL**

Present: Mayor Tim Sandoval  
Vice-Mayor Victor Preciado  
Councilmember Nora Garcia  
Councilmember Rubio R. Gonzalez  
Councilmember Steve Lusto  
Councilmember Elizabeth Ontiveros-Cole  
Councilmember Robert Torres

### **STAFF PRESENT**

James Makshanoff, City Manager  
Sonia Carvalho, City Attorney  
Rosalia Butler, City Clerk

### **PRESENTATIONS**

#### **A. Certificate(s) of Recognition Honoring Pomona Veteran(s)**

The mayor and councilmembers recognized veterans Stefanie Boatman and Matthew Joshua Calderon.

#### **B. A Proclamation of the City Council of the City of Pomona, County of Los Angeles, State of California, Proclaiming March 2020 as "Kindness and Service Month" in the City of Pomona, Certificate of Recognition for Compassionate Pomona Dreaming Projects**

Members of Compassionate Pomona accepted the proclamation from the Mayor and

Council.

### **MAYOR/COUNCILMEMBER COMMUNICATIONS**

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

All councilmembers attended various City functions including the Black History Month event at MLK Park, the police department's Baker to Vegas fundraiser, Leap Latino Symposium, NAACP Freedom Fund Luncheon, tree plantings, and Read Across America events.

The Council encouraged residents to attend upcoming town halls, the State of the City event on March 18 and upcoming community meetings.

### **CITY MANAGER COMMUNICATIONS**

City Manager James Makshanoff had nothing to report.

### **PUBLIC PARTICIPATION**

Janae Stinett, Fremont Academy student, part of Justus4youth group, spoke on the importance of volunteering in the community and wanted to thank the council for opportunities for youth to be involved.

Yecenia Arias invited the community to an upcoming meeting on March 12 at Palomares Park regarding the construction of the Foothill Gold Line. Communication will mainly be by email so residents should fill out a card and mail back with their email so they can stay informed.

Dawn VanAllen spoke on the number of renters in the city.

Leslie Elwood, Public Art Director for Foothill Goldline, spoke on the need for public submissions to help with the art project for the Pomona station. Steve Farley is the local artist gathering stories, photos, and ideas to be part of this project.

Daniel Luevanos from One Legacy Donate Life spoke about April being Donate Life month and the upcoming Donate Life Run/Walk on Cal State campuses. He also spoke on the Donate Life Rose Parade float that he helps decorate every year.

Cathy Tessier spoke on the rent control ordinance and the need for the council to examine it carefully in the process of it being written. Inspection specifics and enforcement procedures are very important.

Isis Pulido expressed concerns about the regulations on food trucks that are affecting her business negatively.

Trudy Coleman spoke on the upcoming Juneteenth events and thanked the council for their past support and requested support for this year.

Natalie Chaidez spoke on upcoming Fairplex events.

Randy Beckendam spoke on an upcoming Compassionate City Conference being planned and the focus will be on justice issues with urban farming and food justice playing a major role.

### **CONSENT CALENDAR**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve the entire consent calendar except for Item 4 which was voted on in a separate motion.**

1. Approval of City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes

It is recommended that the City Council approve the following City Council/Housing Authority/Successor Agency to the Redevelopment Agency Meeting Minutes:

January 27, 2020 Meeting Minutes

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to approve the council meeting minutes of January 27, 2020.**

2. Authorization of a Loan in the Amount of \$783,428 from Available Water Fund Balance to the Community Choice Aggregation Program Fund and Approve a Payback Schedule to the Water Fund

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

**RESOLUTION NO. 2020-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2019-20 ADOPTED BUDGET BY APPROPRIATING \$783,428 FROM AVAILABLE WATER FUND BALANCE TO THE COMMUNITY CHOICE AGGREGATION PROGRAM FUND AND APPROVE A PAYBACK SCHEDULE TO THE WATER FUND FROM THE COMMUNITY CHOICE AGGREGATION PROGRAM FUND AND APPROVE APPROPRIATIONS AS SET FORTH IN A RECOMMENDED COMMUNITY**

## **CHOICE AGGREGATION PROGRAM FUND BUDGET**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2020-07.**

3. Accept and Receive \$186,257 of Additional Grant Funds from San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) and Amend "Phil and Nell Soto Park," CIP Project No. 428-71040 within the FY 2019-20 Capital Improvement Program (CIP) Budget by Receiving and Appropriating \$186,257 of Available RMC Grant Funds to the Project

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

**RESOLUTION NO. 2020-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, TO ACCEPT AND RECEIVE \$186,257 OF ADDITIONAL GRANT FUNDS FROM SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY (RMC) AND AMEND "PHIL AND NELL SOTO PARK," CIP PROJECT NO. 428-2590-XXXXX-71040 WITHIN THE FY 2019-20 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY RECEIVING AND APPROPRIATING \$186,257 OF SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY GRANT FUNDS TO THE PROJECT**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2020-23**

4. Authorize Execution of a Memorandum of Understanding Between the Cities of Pomona, San Dimas, La Verne, and the San Gabriel Valley Council of Governments to Host the Heart of the Foothills Open Streets Event on April 19, 2020; and Adopt a Resolution Amending the FY 2019-20 Revenues and Expenditures for the General Fund and Traffic Offender Fund by Appropriating \$20,000 in Prop C Grant Funds for Event

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

1) Authorize the City Manager to execute the proposed Memorandum of Understanding (MOU) between the cities of Pomona, San Dimas, and La Verne, and the San Gabriel Valley Council of Governments (SGVCOG) to host the "Heart of the Foothills" Open Streets Event on April 19, 2020, in substantially the form submitted as Attachment 1; and

2) Adopt the following resolution:

**RESOLUTION NO. 2020-24 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2019-20 OPERATING BUDGET BY REVISING REVENUE ESTIMATES BY \$20,000 AS FOLLOWS: \$2,000 (215-2506-40916-51332), \$11,000 (215-4201-40916-51332), AND \$7,000 (215-2090-40916-51332); AND APPROPRIATING \$20,000 AS FOLLOWS: \$2,000 (215-2506-XXXXX-51332), \$11,000 (215-4201-XXXXX-51332), AND \$7,000 (215-2090-XXXXX-51332), FOR RECEIPT OF \$20,000 IN PROP C GRANT FUNDS PURSUANT TO THE MEMORANDUM OF UNDERSTANDING FOR THE HEART OF THE FOOTHILLS OPEN STREETS EVENT ON APRIL 19, 2020**

This item was pulled for discussion by Councilmember Torres.

Rene Guerrero, Public Works Director, answered questions regarding what the funds will be used for.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to execute the MOU between the cities of Pomona, San Dimas, LaVerne, and the SGVCOG and adopt Resolution No. 2020-24.**

5. Authorization to an Exception to the Dollar Threshold Limits in Section 2-1002(3) of the Pomona Municipal Code for Engagement of RKA Consulting Group for Professional Construction Management Services Associated with "Major Street Rehabilitation - 2015 Metro Call," Project No. 428-2590-XXXXX-67918

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

**RESOLUTION NO. 2020-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING AN EXCEPTION TO THE DOLLAR THRESHOLD LIMITS IN SECTION 2-1002(3) OF THE POMONA MUNICIPAL CODE FOR ENGAGEMENT OF RKA CONSULTING GROUP FOR PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH "MAJOR STREET REHABILITATION - 2015 METRO CALL," PROJECT NO. 428-2590-XXXXX-67918**

**MOTION BY COUNCILMEMBER LUSTRO, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to adopt Resolution No. 2020-30.**

### **DISCUSSION CALENDAR**

6. Award Professional Services Agreement to HDL Companies for Professional Evaluator Services for the Commercial Cannabis Permit Program

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

- 1) Award a professional services agreement to HdL Companies for professional evaluator services for the Commercial Cannabis Permit Program; and
- 2) Authorize the City Manager, or designee, to execute an agreement and any subsequent amendments, subject to review by the City Attorney.

**Anita Gutierrez, Development Services Director gave an overview.**

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to approve agreement with amendment that no former city staff or no former city council members can be involved in the services provided by HdL.**

7. Finding of Public Benefit to the Community at Large: Recommended Expenditure(s) and Recap of Funds

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

- 1) Approve the expenditure(s) recommended and make the finding that the community at large will receive a public benefit from the expenditure of funds for the recommended item(s); and
  - A) Amount to be determined to City of Knowledge in support of a new roof – Requested Amount: TBD
  - B) Amount to be determined in support of Diamond Ranch High School for their music program – Requested Amount: TBD
  - C) Amount to be determined in support of Garey High School Music Booster for their music program – Requested Amount: TBD
  - D) Amount to be determined in support of Village Academy of Film and Technology for film and tech education – Requested Amount: TBD
  - E) Amount to be determined in support of Washington Elementary School for their choir program – Requested Amount: TBD

- F) Amount to be determined to Juneteenth Education Technology Mobile Arts Center in support of the Pomona Valley Juneteenth Jazz & Arts Festival – Requested Amount:\$5,000
- G) Amount to be determined to Kennedy Austin Foundation in support of Creating S.P.A.C.E. Project – Requested Amount: \$1,200
- 2) Receive and file the recap of final amounts for previously approved projects/activities.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to make a finding of public benefit for Items A-G**

### **PUBLIC HEARINGS**

- 8. Public Hearing to Consider Adoption of Various Fees Related to the Commercial Cannabis Permit Program (CCPP)

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

- 1) Conduct a Public Hearing to receive testimony and comments regarding the proposed new fees related to the CCPP; and
- 2) Upon concluding the Public Hearing adopt the following resolution:

**RESOLUTION NO. 2020-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING FEES PERTAINING TO THE COMMERCIAL CANNABIS PERMIT PROGRAM**

- 3) Per Government Code Section 66017, adopt the following resolution:

**RESOLUTION NO. 2020-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE INTERIM IMPLEMENTATION OF FEES PERTAINING TO THE COMMERCIAL CANNABIS PERMIT PROGRAM FOR A PERIOD OF THIRTY DAYS**

Anita Gutierrez, Development Services Director, and Ata Khan, Senior Planner, gave the staff presentation.

Mayor Sandoval opened the public hearing.

Miranda Sheffield spoke on the importance of social equity as part of the cannabis process and shared a letter from community members who support more expansive social equity.

Darrell Kruse expressed concern about local businesses being shut out of the application process.

Mayor Sandoval closed the public hearing.

The council discussed how applicants with criminal records are treated, what fund the fees will go into, and the social equity fee waiver component.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 5-2 (COUNCILMEMBERS LUSTRO AND ONTIVEROS-COLE OPPOSED), to adopt Resolution No. 2020-34 and 2020-35 with an amendment in Item 4 with regards to the sale of business from a social equity applicant. After 1 year, the purchaser must pay back the waived fee to the City, pro-rated by month.**

9. Introduction and First Reading of an Ordinance Adopting a Code Amendment to the City of Pomona Zoning Ordinance (PZO) for the Purpose of Regulating Accessory Dwelling Units (ADUs) in Accordance with State Law.

It is recommended that the City Council open the public hearing and after receiving testimony and public comment, close the public hearing, introduce, waive further and give first reading to the following ordinance:

**ORDINANCE NO. 4281 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING CODE AMENDMENT (CODE 13241-2020) AMENDING SECTIONS .5809-26 ACCESSORY DWELLING UNITS, .5809-13 HISTORIC PRESERVATION, .580 CONDITIONAL USE PERMITS, AND .560 VARIANCES OF THE CITY OF POMONA ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT REGULATIONS**

Vinny Tam, Senior Planner, gave the staff presentation.

The mayor opened and closed the public hearing with no speakers for this item.

Vinny answered questions from the council.

**MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to introduce on first reading Ordinance No. 4281.**

10. Introduction and First Reading of an Ordinance Adopting a Specific Plan Amendment (SPA 11590-2019)

It is recommended that the City Council open the public hearing and after receiving testimony and public comment, close the public hearing and introduce and waive

further reading of the following ordinance:

**ORDINANCE NO. 4282 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A SPECIFIC PLAN AMENDMENT (SPA 11592-2019) AMENDING SECTION 2.2.1.A DOWNTOWN CORE SEGMENT SIGN REGULATIONS OF THE POMONA CORRIDOR'S SPECIFIC PLAN TO ALLOW MONUMENT AND GROUND SIGNS**

Lynda Lara, Planning Technician, gave the staff presentation

The mayor opened and closed the public hearing with no speakers for this item.

**MOTION BY COUNCILMEMBER GARCIA, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 7-0, to introduce on first reading Ordinance No. 4282.**

- 11.** Introduction and First Reading of Repeals and Amendments of Various Ordinances Pertaining to Commercial Cannabis Related Activity in the City of Pomona

It is recommended that the City Council introduce, waive further and give first reading to the following ordinances:

**ORDINANCE NO. 4283 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, RESCINDING THE PORTIONS OF ORDINANCE NO. 4096 WHICH PROHIBITS THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES CITYWIDE**

**ORDINANCE NO. 4284 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, RESCINDING ORDINANCE NO. 4215, WHICH PROHIBITS MARIJUANA CULTIVATION CITYWIDE**

**ORDINANCE NO. 4285 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, RESCINDING ORDINANCE NO. 4241, WHICH PROHIBITS COMMERCIAL CANNABIS CITYWIDE**

**ORDINANCE NO. 4286 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, RESCINDING ORDINANCE NO. 4217, WHICH PROHIBITS MARIJUANA DELIVERIES CITYWIDE**

**ORDINANCE NO. 4287 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING ORDINANCE NO. 4242, TO CLARIFY DEFINITIONS PERTAINING TO CANNABIS CULTIVATION CITYWIDE**

Ata Khan, Senior Planner gave the staff presentation.

The mayor opened the public hearing.

The speaker was not present when called.

The mayor closed the public hearing.

**MOTION BY COUNCILMEMBER GONZALEZ, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 7-0, to introduce on first reading Ordinance No. 4283, 4284, 4285, 4286, and 4287.**

Mayor informed by City Manager James Makshanoff that Item 8, Resolution No. 2020-35 is an urgency resolution and therefore needs to be a 4/5 vote (super majority).

**MOTION TO RECONSIDER ITEM 8 BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER GARCIA, CARRIED 7-0, to reconsider the vote on Item 8 which rescinds the previous vote on Item 8.**

The council requested to bifurcate the vote on the two resolutions in Item 8 as only Resolution No. 2020-35 requires a super majority vote as an urgency measure.

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 6-1 (COUNCILMEMBER LUSTRO OPPOSED), to adopt Resolution No. 2020-34 with the amendment added by Councilmember Garcia during the earlier vote.**

Councilmember Ontiveros-Cole expressed that she voted incorrectly and would like to change her vote to “no”. The City Clerk advised the vote would be changed in the official minutes. The official vote for Resolution No. 2020-34 was: CARRIED 5-2 (COUNCILMEMBERS LUSTRO AND ONTIVEROS-COLE OPPOSED)

**MOTION BY MAYOR SANDOVAL, SECOND BY COUNCILMEMBER PRECIADO, CARRIED 7-0, to adopt Resolution No. 2020-35.**

#### **MATTERS INITIATED BY CITY COUNCILMEMBERS**

Councilmember Preciado requested if the mayor and council would participate in May's bike to work and help plan the route.

Councilmember Garcia requested the City explore a tobacco license for the City to regulate tobacco sales better.

Councilmember Torres requested information to give to residents on Yorkshire and Ivory Lane off of Towne Ave. who inquired about making the parking in that area by permit only.

## **ADJOURNMENT**

The City Council meeting was adjourned at 9:29 p.m. on Monday, March 2, 2020.

Respectfully submitted,

ATTEST:

---

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

---

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