



# City of Pomona

505 S. Garey Ave  
Pomona, CA 91766

## Special Meeting Minutes

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

*Mayor Tim Sandoval*  
*Councilmember Rubio R. Gonzalez*  
*Councilmember Victor Preciado*  
*Vice Mayor 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.*

---

Friday, August 7, 2020

6:00 PM

Teleconference via Zoom

---

5:30 P.M. Via Zoom, closed to the public

#### CLOSED SESSION

##### A) 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.

6:00 P.M. Teleconference via Zoom, closed to the public

#### CALL TO ORDER

Mayor Sandoval called the City Council Meeting to order at 6:00 p.m.

#### CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Sonia Carvalho reported that the agenda matter of anticipated litigation was discussed after being contacted earlier in the day by legal counsel Roger Diamond regarding the placement of a citizen-sponsored initiative on the ballot and there was no reportable action from the discussion on that item.

---

## **PLEDGE OF ALLEGIANCE**

Councilmember Garcia led the Pledge of Allegiance.

## **ROLL CALL**

Present via Zoom: Mayor Tim Sandoval  
Councilmember Victor Preciado  
Vice Mayor Nora Garcia  
Councilmember Elizabeth Ontiveros-Cole  
Councilmember Steve Lustro  
Councilmember Robert Torres (entered the meeting at the 12:45  
mark)

Not Present per May 23, 2020 City Council Resolution of Censure:

Councilmember Rubio Gonzalez

## **STAFF PRESENT via Zoom**

James Makshanoff, City Manager  
Sonia Carvalho, City Attorney  
Rosalia Butler, City Clerk  
John DePolis, IT Director  
Kirk Pelser, Deputy City Manager  
Mark Gluba, Deputy City Manager  
Anita Gutierrez, Development Services Director

## **PUBLIC PARTICIPATION**

*In response to the global COVID 19 pandemic and in accordance with California Governor's Executive Order N 25 20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note that only comments for Discussion Item No. 1 on the agenda will be accepted by email only at this time. Comments will be read into the record by the City Clerk. The deadline to submit your comments is by 4:30 p.m. on the day of the scheduled Council meeting. Please email your comments to [cityclerk@ci.pomona.ca.us](mailto:cityclerk@ci.pomona.ca.us) and title your email "Public Comment" along with the date of the Council meeting and indicate "Discussion Item No.1". All comments must be limited to 200 words.*

## DISCUSSION CALENDAR

1. Adopt a Resolution to Add the City Council Referred "Commercial Cannabis Businesses" and "Commercial Cannabis Permit Program Overlay District" Measure and the Citizen Initiative "Pomona Regulate Cannabis Act of 2018" Measure to the General Municipal Election of November 3, 2020

It is recommended that the City Council adopt the following resolution (Attachment No. 1) in order to add two new measures to the November 3, 2020 ballot:

**RESOLUTION NO. 2020-124 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF CERTAIN MEASURES: 1) RELATING TO THE "POMONA REGULATE CANNABIS ACT OF 2018" AND A COMPETING MEASURE 2) TO AFFIRM ORDINANCE NO. 4257 "COMMERCIAL CANNABIS BUSINESSES" AND ORDINANCE NO. 4273 "COMMERCIAL CANNABIS PERMIT PROGRAM OVERLAY DISTRICT" AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 AS CALLED BY RESOLUTION NO. 2020-83**

City Attorney Carvalho gave a brief explanation of this action item.

**Comments were received electronically via email and read into the record by the city clerk:**

Roger Diamond wrote: "I represent Jackie Dilley the proponent of the Cannabis [sic] Initiative Petition waiting to be considered by the City voters. Dilley's initiative should have been considered at the November 2018 election. The City improperly failed to submit it to the Registrar. The following year, April 2019, the City adopted its own ordinance. There is no need for the City to review the existing ordinance. The City Council is obligated to put the Dilley measure on the ballot this November 3, 2020. Please do not confuse the voters by placing the City ordinance on the ballot since already is operative. We respectfully object to what the City Council is threatening to do. The City may not act after 5:00 pm tonight. We object to the clerks' determination that the city has until 12 midnight tonight."

Lorena Parker wrote: "City Council Members, I would like to reaffirm my comments from the last City Council meeting regarding the lack of feedback from the community regarding this proposed measure. What has been the process that the City has taken to engage the business community and affected property owners in the Downtown Pomona District? This effort does not take into effect the goals of the Downtown Specific Plan or plans for reasonable and controlled mixed use development. Furthermore, it doesn't consider the scope of the City's desire to have a coordinated plan. I strongly suggest that every effort is made to support the current City's Cannabis ordinance as it has taken into consideration the will and efforts of Pomona's residents and businesses. Thank you for your consideration."



Jeffrey Keating wrote: "The overly broad nature of the overlay proposal, and the rushed nature of a process to place measures on the November ballot — minimizing the opportunity for thorough study, public dialogue, and input from a cross-section of stakeholders — are concerning to Western University of Health Sciences. These decisions also will have a significant impact on the University's preliminary plans to place a drop-in center for Pomona Health Career Ladder students from PUSD in the Anderson Tower building on the corner of Garey and Second, which was in the discussion stages last fall but has been delayed as a result of the COVID pandemic.

As an institution whose mission is to enhance and extend the quality of life in our communities through healthy practices and by sustaining healthy environments, the University does not believe rushing through a process that potentially has immediate and direct effects on the health of our community, and on the environment of the downtown the University calls home, is warranted or wise. We encourage the City Council to give this matter the time and attention it deserves, on a schedule that allows for greater study, public input, and thorough understanding of its impact."

City Manager Makshanoff updated the council on the communications with the proponents and spoke on the communication from attorney Roger Diamond that his client Jackie Dilley desired to keep the initiative on the ballot.

Several councilmembers spoke on the citizen initiative not having the best interests of Pomona in mind since the proponents are outsiders to the city. They also commented on how many staff hours, council meetings and community time was spent on crafting the city's adopted ordinance. They expressed confidence in the voters of Pomona knowing how important it will be to vote for the city's measure that will affirm the already adopted ordinance. The mayor assured that all the councilmembers would come out in unison to support the city's measure on the ballot.

**MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-124**

An additional resolution was added to this discussion item by City Attorney Carvalho.

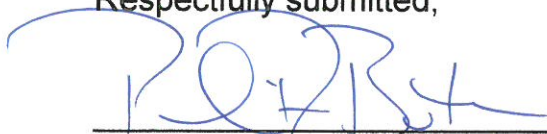
**RESOLUTION NO. 2020-125 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING COUNCIL MEMBERS TO SUBMIT ARGUMENTS, SETTING PRIORITIES FOR SELECTING ARGUMENTS TO PRINT, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS RELATING TO ALL THREE OF THE BALLOT MEASURES APPROVED BY THE CITY COUNCIL FOR THE CITY'S GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 AS CALLED BY RESOLUTION NO. 2020-83**

MOTION BY COUNCILMEMBER PRECIADO, SECOND BY COUNCILMEMBER ONTIVEROS-COLE, CARRIED 6-0 (COUNCILMEMBER GONZALEZ NOT PRESENT DUE TO CENSURE) to adopt Resolution No. 2020-125.

**ADJOURNMENT**

The City Council meeting was adjourned at 6:20 p.m. on Friday, August 7, 2020.

Respectfully submitted,



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

ATTEST:



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