

UNOFFICIAL MINUTES
VEHICLE PARKING DISTRICT (VPD) COMMISSION
JULY 11, 2019

CALL TO ORDER: The Vehicle Parking District Board of Parking Place Commission meeting was called to order by Chair Mladinov III in the Council Chambers at 6:02 p.m.

PLEDGE OF ALLEGIANCE: Commissioner Diaz led the Pledge of Allegiance

ROLL CALL: Roll was taken by Senior Project Manager Joaquin Wong

COMMISSIONERS PRESENT: Chair Joseph Mladinov III, Vice Chair Fred Van Allen, Commissioners Roberto Alas, Sergio Diaz-Luna, Mike Davis.

COMMISSIONERS ABSENT: Commissioners Marcos Molina and John Mendoza

STAFF PRESENT: Senior Project Manager Joaquin Wong, Deputy City Manager Kirk Pelser

PUBLIC COMMENT:

None

PRESENTATIONS

1. SUMMARY PRESENTATION OF THE BROWN ACT PROCEDURES

City Clerk Rosalia presented on two policies that the City Council recently approved that affect each Commissioner as an appointed member of the Board of Parking Place Commission.

- During the June 17, 2019 City Council Meeting the City Council was presented with a copy of the proposed City Social Media policy.
- She provided the Commissioners with a copy of the City Social Media Policy and the Staff Report.
- The Staff Report indicates that the draft Social Media Policy establishes guidelines for the use of social media sites by the City of Pomona to disseminate information regarding the City's mission, meeting activities, events and current issues to members of the general public.
- The Social Media Policy is intended to mitigate risks associated with, as well as, govern the use of all City social media accounts, which include but are not limited to Facebook, Twitter and Instagram, regardless of whether the social media sites are accessed from city computers, computers outside the city or mobile devices.
- The policy addresses a pervasive issue which has not previously been constrained by clear guidelines and impacts many individuals including employees, elected and appointed officials, volunteers and agents. She noted it was presented to City Council to review prior to finalization by the City Manager.
- The second approved item is with respect to an allegation of a Brown Act violation made by some of the member of the Historic Preservation Commission.

- A copy of the Staff Report on the Brown Act Violations presented to the City Council on June 17, 2019 was provided.
- The Staff Report reads California's open meeting law otherwise known as The Brown Act requires that all discussion of the business of City Commissions be done in properly noticed public meetings. Social media presents a new challenge for City Officials and while social media platforms offer an opportunity to broaden interactions with the public, it violates the Brown Act for a majority of members of a Commission to discuss Commission business outside a Commission meeting. Including indirectly through social media.
- Pomona resident, Jacqueline Elizalde presented to the City Council at the June 3, 2019 meeting a printout from the website Nextdoor.com of an exchange of facts and opinions among a quorum of Historic Preservation Commissioners. This exchange is an example of a prohibited serial meeting. No action was taken by the Commissioners outside the meeting and their intent appears to have been an effort to spread the word about the fate of the Pomona Stables and the City Councils June 4, 2019 related agenda item. The interim City Attorney indicated that no action needed to be undone in order to cure the violation, but an admonition was warranted.
- She provided a copy of the Guideline to Prevent Serial Meetings. She noted a copy of these were also provided to all attendees of the May 2, 2019 Brown Act Training which was hosted by the City Clerk's office and presented by the City Attorney's office.
- She asked for a show of hands of who attended the Brown Act Training. The count was not provided.
- She stated the City Clerk's Office is requesting that all Board member review the City Social Media Policy and the Guidelines to Prevent Serial Meetings and complete and return an acknowledgement of receipt, confirming each person received and read.

Chair Mladinov III asked when the acknowledgement of receipt needed to be returned and if they could email them.

City Clerk Butler replied as soon as possible and yes; they can email. She asked if they had any questions or concerns.

Chair Mladinov III shared he has always suggested that if there is something that needs to be disseminated Commissioners should contact staff and let them send out an email.

Commissioner Van Allen asked if there was a template that City governments are using or if staff built the Social Media Policy from scratch.

City Clerk replied the Social Media Policy they came from other sources and other city's templates which staff incorporated to fit the City of Pomona.

Chair Mladinov III thanked City Clerk Butler. He recognized former Councilwoman and former Vehicle Parking District Chairperson, Andriana Robledo who was in attendance.

CONSENT AGENDA:

2. APPROVAL OF THE MAY AND JUNE 2019, VEHICLE PARKING DISTRICT BOARD OF PARKING PLACE COMMISSIONERS MEETING MINUTES.

Commissioner Diaz requested to pull the minutes for May. This was a comment that was made there that says he made, but he thinks it might have been Commissioner Molina.

Chair Mladinov III requested the Commissioner state their name before anyone speaking so the transcriptionist can learn voices.

Deputy City Manager Pelser replied that a better way to handle that would be for the Chair to say the name when a member signals to him that they want to speak, that way it's coming from his voice and is more consistent with what the Mayor does at a City Council meetings.

Commissioner Diaz pulled the May minutes for discussion. He reported under Item 2, Consent Agenda on Page 10, there is a comment that says Commissioner Diaz-Luna but should been Commissioner Molina.

3. APPROVAL OF THE VEHICLE PARKING DISTRICT REVENUE AND EXPENDITURE REPORT.
4. RATIFY THE SALE OF TWENTY-SIX (26) NEW PARKING PERMITS ISSUED IN THE MONTH OF MAY AND JUNE 2019.

Motion by Commissioner Van Allen, seconded by Commissioner Diaz, carried by a unanimous vote of the members present (5-0-0-2), to approve the consent calendar and minutes as amended.

OLD BUSINESS:

5. REVIEW OF PROJECTS LIST

Senior Project Manager Wong stated there was nothing to report.

6. AMENDMENT TO THE VEHICLE PARKING DISTRICT CONTRIBUTION POLICY.

Senior Project Manager Wong reported at the Vehicle Parking District Commission meeting of May 2019 the Commission directed staff to agendize this item for review by the Vehicle Parking District Ad-Hoc Committee. He shared the policy was reviewed by the Committee during the month of May 2019 and made a recommendation to keep the policy as is. He stated the Ad Hoc Committee determined that the benefits of those outweigh the cost waiving the parking fees for 7 or 8 events per year. The action required tonight is to uphold or amend the policy.

Chair Mladinov III reported the Ad Hoc discussion resulted in keeping the policy as is until City Council makes a change and/or the Vehicle Parking District Commission decides to they are at a point where we can make a change.

Motion by Commissioner Diaz, seconded by Chair Mladinov III, carried by a majority vote of the members present (4-1-0-2), with Commissioner Van Allen opposed, to uphold the existing policy.

NEW BUSINESS:

7. APPROVAL OF THE VPD BUDGET AMENDMENT TO RE-APPROPRIATING CIP PROJECT FUNDS TO THE DOWNTOWN POMONA ASSOCIATION (DPOA) FOR CONTRIBUTIONS TOWARDS THE PURCHASE AND INSTALLMENT OF ADDITIONAL SECURITY CAMERAS IN THE TOTAL AMOUNT OF \$49,000.

Senior Project Manager Wong reported this is Vehicle Parking District Budget amendment to re-appropriate the Capital Improvement Program (CIP) Project funds to the Downtown Pomona Owners Association (DPOA) for a contribution towards the installation of additional cameras. He stated the action is two part; 1) retract the security camera allocation in the amount of \$24,500 from the Parking Lot Maintenance CIP program and 2) to encumber an additional \$24,500 for fiscal year 2019-2020.

- He reporting money was put in the CIP because in prior years the City wanted to be partial owners of the cameras, but in recent years the City's Attorneys have decided it would be best not own the cameras. He stated because of this it is not an expenditure that fits within the Capital Improvement Program (CIP) that money needs to be pulled out of that budget and put it into a regulating operating line item budget.
- He reported in fiscal year 2017-2018 the VPD Commission and the City Council approved a contribution of \$24,500 to the DPOA for Phase 3 of the new security cameras, however, due to the timing of the DPOA's submittal of the invoice and scheduling Phase 3 was paid from the 2018-2019 year budget, leaving no money left to pay the Phase 4 of the DPOA's camera installation.
- In May 2019 the DPOA submitted another invoice for the Phase 4 camera so they need to reallocate another \$24,500 for this fiscal year, 2019-2020.
- He stated in anticipation of the DPOA doing Phase 5 within the 2019-2020 fiscal year, staff are recommending moving CIP funds to the regular operating budget.
- He summarized that the two actions would take money from CIP and put it into this year's operating budget totaling a \$49,000 budget amendment.

Chair Mladinov III asked how many phases staff are expecting.

Senior Project Manager Wong responded the DPOA is billing for Phase 4, but we expect that by the end of this fiscal year they will be submitting an invoice for Phase 5.

Chair Mladinov III asked if that will need to be paid in this year or next.

Senior Project Manager Wong replied it would be better to pay it out of this year.

Deputy City Manager Pelser replied he thinks there is a little bit of confusion. He stated the Staff Report does not mention Phase 5, he requested they forget about Phase numbers and reported for the fiscal year 2018-2019 (that just ended) the City had to paid the prior year's camera installation, so staff are recommending that the Commission put enough money in this years budget to do two years' worth of invoicing.

Chair Mladinov III confirmed they saved \$24,500 last year, because we didn't pay it?

Deputy City Manager Pelser replied no they paid it, but it was for a prior year's installation. He shared the invoice has always come in at the end of the fiscal year, which makes it difficult to get processed, so staff will be working with the DPOA to try and see invoicing happen sooner, so that it is in a clearer fiscal year cycle rather than this straddling years and having to carry over and go forward.

Commissioner Van Allen asked what the lifespan of the cameras are.

Deputy City Manager Pelser replied the original set of cameras that were installed several years ago were analog and so over the last couple years the DPOA has added new cameras, but also replaced older ones with better technology and wider views; so it's a combination of updating older and adding additional.

Senior Project Manager Wong added that the cameras were helped the Police catch the vandals who did damage to the older parking machines, which provides proof that the cameras are working out there.

Motion by Chair Mladinov III, seconded by Commissioner Van Allen, carried by a majority vote of the members present (4-1-0-2), with Commissioner Alas opposed, to approve staff's recommendation for a budget amendment to re-appropriate CIP project funds to the Downtown Pomona Association (DPOA) for contributions toward the purchase and installation of additional security cameras in the total amount of \$49,000.

8. CANCELLATION OF THE AUGUST 8, 2019, VEHICLE PARKING DISTRICT BOARD OF PARKING PLACE COMMISSIONERS MEETING.

Senior Project Manager Wong reported it has always been the tradition of the City Council and the Vehicle Parking District to go dark in August because it's hard to get a quorum. He stated parking business would continue and staff will bring parking permit ratifications to the Commission the following month. He noted any urgent business could be addressed in a special meeting.

Motion by Commissioner Van Allen, seconded by Commissioner Davis, carried by a unanimous vote of the members present (5-0-0-2), to approve the cancellation of the

August 8, 2019 Vehicle Parking District Board of Parking Place Commission Meeting.

STAFF COMMUNICATION:

Deputy City Manager Pelser provided an update on the parking structure;

- The City Council approved (last Monday) the contract to retain JR Parking Consultants to help staff with a broad scope of services; the procurement process, review and design build team proposals, to develop an operating pro forma for the garage and work on the kiosk installation with Senior Project Manager Wong.
- The City has engaged Cumming Construction Management Inc. as the project construction managers on the parking garage. He shared staff brought them on now to help with the procurement and the bidding process so that they will be ready to go when there is a design builder on board.
- The design build proposals for the garage are due August 14, 2019 and he feels confident they will stick to that deadline, however, they can't it would just be for a few extra weeks.
- Those consultants and staff are working as a team to respond to the vast number of requests for information received from the perspective bidders on the garage and working through some technical issues with engineering.
- By this Fall the City will have a design build team identified and be negotiating a contract.

Deputy City Manager Pelser provided an update on the Maya Theater project;

- Staff has learned that Maya did not get a New Market Tax Credit allocation in this last process that was awarded in May.
- The way the New Market Tax Credit gets allocated is the Federal Government allocates money to Certified Community Development Entities (CDEs) and then they allocate them to projects on a competitive basis. He noted awards are based on prior relationships and projects the CDE may be looking for to round out their portfolio.
- Unfortunately, the two or three CDEs that Maya focused on did not get a New Market Tax Credit allocation and that was a shock to the entire industry.
- He commented it could be a reflection that the Federal Government less than enamored about the state of California because only a few CDEs based in California received funding, and not nearly as many as traditionally would have.

Chair Mladinov III asked if Maya was going to go look at other CDEs.

Deputy City Manager Pelser replied and they are but those other CDEs have had people lobbying them for the last two years and so Maya is starting way behind. He reported those conversations have started and the City has offered to help by contacting politicians and the congresswoman who has helped us in the past, however, a game plan hasn't been formulated yet.

Deputy City Manager Pelser continued that City Council had agreed to invest \$800,000 for public improvement in the downtown so staff are proceeding on that basis. He stated it's important for that work to get done for Maya if they are going to be competitive and get Tax Credits. He stated they have a development Agreement with Maya that he hopes they will be able to perform on, but at

some point the City will have to be realistic and if it looks like the New Market Tax Credits are not going to be obtainable then they may need to find somebody else (i.e. another movie theatre operator or a mixed use developer). He noted either way the infrastructure investment will be a benefit.

Chair Mladinov III asked if there was any news on Lot 2.

Deputy City Manager Pelser reported Lot 2 is in escrow. He shared Watt Communities was the lead partner on that development, however, Watt has decided to bow out. He reported that Robert Barry from Triad Venture Inc. who initially brought Watt to the table is still involved, so the City is going to sign that set of rights over from Watt to Triad and Mr. Barry is in the process of seeking a new partner.

Deputy City Manager Pelser reported the City still has an Exclusive Negotiation Agreement for Lot 1 with Fuller and they are currently refining their project design. He noted the design has gotten smaller which is beneficial to the City because they were struggling with how to fit their new building on that block and keep 80 or 90 spaces from Lot 1 available to the public. He shared staff expect Fuller's design submittal package to be turned in over the next month, which will allow the City to understand precisely how many spaces get preserved and move forward with finishing that transaction.

Chair Mladinov III asked about the Bob's Big Boy.

Deputy City Manager Pelser replied that building has been torn down and the site will eventually be built on. He noted it most like be parking on an interim basis, not permanently.

Deputy City Manager Pelser reported National CORE, a well-regarded affordable housing developer, will be coming into the City with a package in the next couple week to propose a full block development on Lot 26T. He noted this lot was always meant to be a temporary lot.

Commissioner Van Allen asked if it was public knowledge that Maya has passed the point of receiving funds.

Deputy City Manager Pelser confirmed the question what that they didn't get the Tax Credits, if so yes.

Commissioner Van Allen shared he is often asked what's going wanted to confirm it was alright to share the latest news.

Deputy City Manager Pelser replied yes, he can say that the entities Maya talked to did not get an allocation and that they are moving forward. He commented he wouldn't portray it as being dead deal, but rather just another hurdle along the way.

Commissioner Davis confirmed the Parking Structure is continuing.

Deputy City Manager Pelser replied absolutely.

Commissioner David asked if the fact that Maya didn't get the funds gives the City a chance to renegotiate their vision or if it gives the City a negotiation hand up on anything.

Deputy City Manager Pelser replied the City is not giving Maya anything, so there is nothing to extract further from them in terms of a negotiation.

Commissioner Davis confirmed City money was helping them build the theatre.

Deputy City Manager Pelser replied no, the City has redevelopment bond money to build the Parking Garage with. He noted Maya customers will park there but so will everybody else in the downtown. He stated the City of Pomona is going to build the garage whether the Movie Theater comes or not. He shared the only other money that's remotely related is the infrastructure utility work that will be done in the downtown which will benefit Maya if they come.

Commissioner Davis commented there is nothing but young people running around downtown Pomona at night and he'd like to see an upscale theater, the kind with a waitress serving food and lux chairs.

Deputy City Manager Pelser urged the Commissioners to go online and look at Maya Theaters most recent project in North Las Vegas which opened about three months ago. He shared he visited, and every single chair was the reclining, relaxing type where sound comes behind and the theater had a full restaurant and a nice little pub/bar.

Commissioner Davis commented he thinks about the theater on Indian Hill and how nice it was the first couple years but then it turned into a dump. He stated he doesn't want to see that happen to downtown.

Chair Mladinov III replied the Maya projects are impressive and done very well.

COMMISSIONER COMMUNICATION:

Chair Mladinov III reported the L.A. County Fair starts on Friday, August 30, 2019. He recommended everyone attend on the first day, which is Pomona Day. He shared as a Commissioners they will be invited for a nice lunch and to meet the community heroes.

ADJOURNMENT: At 6:36 p.m. Chair Mladinov III moved to adjourn the Vehicle Parking District Commission meeting to the next scheduled meeting of September 12, 2019, in the City Council Chambers.

Kirk Pelser
Deputy City Manager