

UNOFFICIAL MINUTES

VEHICLE PARKING DISTRICT (VPD) COMMISSION

Thursday, September 12, 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 6:00 p.m.

PLEDGE OF ALLEGIANCE: Chair Mladinov III 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, Mike Davis, Sergio Diaz-Luna, Marcos Molina (arrived at 6:17 p.m.) and John Mendoza (arrived at 6:07 p.m.)

COMMISSIONERS ABSENT:

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

PUBLIC COMMENT:

Larry Eagan, reported a stabbing incident on August 11, 2018 in Lot 11. He read the police incident report aloud, sharing the victim was stabbed five times, while hanging out in the parking lot after buying a hot dog outside of the 340 Club. He shared the stabbing was caught on a cell phone video and the case has been forward to the Detective Bureau. He shared photos of people gathering on Thursday, Friday and Saturday nights in Lot 11 from 3:00 a.m. to 6:00 a.m. after the bars close. He pointed out a band performing and food truck in one picture. He shared the apartments across the street have lost six tenants in the last two months because of these gatherings. He noted people are paying the \$2.00 to park legally in the lot and are now gathering here, because they are not allowed in the street and the Chase Parking lot put a stop to these types of activities. He reported parking enforcement is of the opinion that they can't do anything about it because \$2.00 has been paid, and the Police can't or won't enforce it because they are not sure if it's a public right of way. He requested the VPD Commission and staff investigate having parking enforcement move these people out.

Deputy City Manager Pelser responded this is the first he has heard of the issue. He stated City Council is moving towards adopting an ordinance to address the state law that says the City must allow street vendors, but that's limited to public right of ways (i.e. sidewalks). He stated the parking lot is not a public right of way. He stated he believes Parking Enforcement can cite this kind of activity but will check with the staff that is working on the ordinance, the Police, Parking Enforcement and the City Attorney.

Chair Mladinov III requested an update on this issue at the next Ad Hoc Committee Meeting.

Commissioner Davis stated he feels this is commercialism and suggested charging a \$50 parking lot fee for vendors.

Chair Mladinov III reported that Commissioner Mendoza showed up at 6:07 p.m.

Deputy City Manager Pelser replied it's an activity that is illegal irrespective of what has been paid. He clarified that when Pomona adopts an ordinance that is reflective of the new state law, it would allow for somebody to setup a food vending operation on the sidewalk, not in a parking lot.

Commissioner Davis commented this is at the expense of the people paying taxes to serve food at the other bars.

Deputy City Manager Pelser replied the City can't take that into consideration per state law. He shared there was a conversation with City Council and economic competition has no bearing on what the state has adopted as law, therefore, someone can setup a taco shop and there can be a taco vendor right in front of it.

Commissioner Van Allen commented the hours this gathering is occurring is disrespectful.

Commissioner Davis expressed concerns that there could be a liability issue that arises from gathering on a VPD lot.

Deputy City Manager Pelser agree there is several problems with this situation. He stated staff will investigate.

CONSENT AGENDA:

1. APPROVAL OF THE JULY 11, 2019, VEHICLE PARKING DISTRICT BOARD OF PARKING PLACE COMMISSIONERS MEETING MINUTES.
2. APPROVAL OF THE VEHICLE PARKING DISTRICT REVENUE AND EXPENDITURE REPORT.
3. RATIFICATION OF 11 NEW PARKING PERMITS FOR MONTHS OF JULY AND AUGUST 2019.

Motion by Commissioner Van Allen, seconded by Commissioner Diaz-Luna, carried by a unanimous vote of the members present (6-0-0-1), to approve the consent agenda.

OLD BUSINESS:

4. REVIEW OF VEHICLE PARKING DISTRICT PROJECTS LIST

Senior Project Manager Wong stated he has nothing to report.

NEW BUSINESS:

5. APPROVAL OF A VEHICLE PARKING DISTRICT LICENSE AGREEMENT WITH WESTERN UNIVERSITY FOR THE ANNUAL AMOUNT OF \$397,740.

Senior Project Manager Wong reported Western University was on an operating agreement that expired in 2013 but allowed continuation on a year to year basis. He stated due to the recent number of parking stall changes and increased fees it is best to enter a new license agreement. He summarized 947 spaces at \$35 per space per month, generates \$99,435 for the VPD per quarter and \$397,740 annually. He noted Western University is the VPD's major lease license holder. He noted the agreement terms haven't changed. He shared Western University's CFO needs an updated agreement to adequately pay the VPD. He reported the loss in spaces was due to the sale of Lot 26 and 27, but the VPD gained one lot back by creating Lot 26T. He reported the VPD has also entered into an agreement some years back, to take accept a sublease for The Helix since 99% of their residents are university students.

Chair Mladinov III asked what Western University charges their students for parking and if staff anticipates students trying to work around that?

Deputy City Manager Pelser replied they haven't noticed that issue to date. He suggested the motion include language to allow the City Attorney to make non-material changes to the agreement, because the attachment is an older format and the new City Attorney may want to make some nuanced changes.

Commissioner Diaz-Luna asked if the agreement allows Western University to charge students a different rate than the \$35 per space.

Senior Project Manager Wong replied yes, they can charge them a different rate. He noted they add an administration fee because there is time and staff costs to make sure that their students are parking in the proper spaces and deal with complaints.

Chair Mladinov III shared in the past students have tried to get their permits from the City and they have been told they must go through the school.

Chair Mladinov III reported Commissioner Molina arrived at 6:17 p.m.

Commissioner Van Allen asked if the City's parking rates are market rate.

Deputy City Manager Pelser replied a couple months ago the VPD went through the process to raise the rates by \$5 per month which was the first incremental increase in quite some time. He stated at some point in the future they will revisit.

Commissioner Van Allen asked if the VPD Commission anticipates having regular increases or plans to discuss a schedule for increases.

Deputy City Manager Pelser confirmed there is nothing scheduled to discuss it on an annual basis. He stated the big policy debate will happen when they talk about changing hourly rates in the downtown.

Motion by Chair Mladinov III, seconded by Commissioner Van Allen, carried by a unanimous vote of the members present (7-0-0-0), to accept the report to approve the Vehicle Parking District License Agreement with Western University, including the attached form, that will be accepted as long as there are no material changes.

6. APPROVAL TO PURCHASE AND INSTALL VEHICLE PARKING DISTRICT (VPD) PARKING LOT WAYFINDING SIGNS FROM MAIN STREET SIGNS AND SUPPLIES COMPANY FOR A COST OF \$2,243, PLUS A 10% (\$225) CONTINGENCY COST FOR UNFORSEEN ITEMS TALLING \$2,468.00.

Senior Project Manager Wong reported the purpose is to place wayfinding signs throughout the downtown for the public to be able to find the VPD lots more easily. He reported there were several iterations of the design and the decision was to go with a plain and easy to read public parking sign, as shown in Attachment 1. He stated the signs will be placed per the map developed by Public Works. He reported Public Works has offered to place the signs as street signs at no cost to the VPD, however, they are asking that the VPD purchase 50 signs and hardware for a total of \$2,242.

Commissioner Mendoza asked about a standard design.

Senior Project Manager Wong replied the sign is standard, however, they need to customize the arrows.

Commissioner Van Allen asked if the City typically has a 10% contingency.

Deputy City Manager Pelser replied in situations like this staff like to have a little cushion, so they don't have to come back from another approval.

Motion by Commissioner Diaz-Luna, seconded by Commissioner Molina, carried by a unanimous vote of the members present (7-0-0-0), to approve the purchase and installation of Vehicle Parking District (VPD) Parking Lot wayfinding signs from Main Street Signs and Supplies company for a cost of \$2,243, plus at 10% (\$225) contingency cost for unforeseen items, totaling \$2,468.00.

Walk-on Item - Senior Project Manager Wong reported a parking waiver request from the Hispanic Chamber of Commerce for their annual Hispanic Independence Festival which is happening from 11:00 a.m. to 1100 p.m. tomorrow (September 13, 2019) came in after the agenda as posted. He reported the Commission has approved the parking waiver for several years. He reported staff received the request two days ago, therefore he is bringing this as walk on item and it would be up the VPD Commission to vote to hear it. He stated if the Commission doesn't vote to agendize it, then the request dies.

Deputy City Manager Pelser added the Hispanic Chamber of Commerce is getting a Special Event Permit and, in his opinion, they would not cancel the event if the VPD chose not to hear the item.

Chair Mladinov III asked if this applicant was late in filing for the same event last year.

Deputy City Manager Pelser replied yes, it's been a historic issue.

Chair Mladinov III commented he knows this has happened over the last three years more than a couple of times and he is disappointed that it's happening again.

Deputy City Manager Pelser informed the Commission that before they could discuss someone would need to make a motion to put the item on the agenda.

Motion by Commissioner Van Allen, seconded by Commissioner Mendoza, carried by a majority vote of the members present (5-2-0-0), to put the parking fee waiver request for September 12, 2019 from the Hispanic Chamber of Commerce on the agenda.

Senior Project Manager Wong distributed the letter and the application.

Chair Mladinov III asked if the applicant did the City paperwork on time.

Deputy City Manager Pelser replied it was within a day or two of the thirty-day time limit. He reported the applicant's insurance certificate for the special event was approved by Risk Management today. He stated the applicant was supposed to simultaneously come to the VPD because the City doesn't approve the parking waiver as part of the special event permit application process.

Chair Mladinov III commented this applicant should know the process because they have had Cinco de Mayo events as far as back as he can remember.

Commissioner Diaz-Luna stated the Commission voted not to hold an August meeting, so the VPD couldn't have heard this item last month. He stated he thinks the event is good for the community despite the paperwork getting filed late. He asked if there was a warning process.

Chair Mladinov III confirmed a previous letter was sent.

Senior Project Manager Wong replied yes, the Community Services department informed all the applicants that they need to get their applications in within thirty days.

Commissioner Diaz-Luna stated the applicant could have submitted their paperwork prior to August, and it could have been on the agenda today. He commented he feels they need to get their stuff together, because this is an annual event. He stated he does not support complacency.

Commissioner Alas asked if staff received any communication from the applicant before the final deadline.

Senior Project Manager Wong replied not the VPD staff. He reported communication began around August 27th with the Community Services department.

Deputy City Manager Pelser added that is a completely different process.

Chair Mladinov III spoke about the applicant being late several times. He shared he has warned them before that this is not acceptable. He stated it's a process that everybody needs to follow or there will be chaos.

Commissioner Davis asked how much the fees would be.

Senior Project Manager Wong estimated the VPD would be waiving about \$250.00 to reserve the entire west side of Lot 10.

Deputy City Manager Pelser stated the VPD has an adopted policy that says a local nonprofit can request a parking waiver for events and generally this body approves those, however for this group, it's a question of the timing. He reported they have been asked repeatedly to comply with our processing timeline. He commented it is frustrating to have to put something on an agenda after it posts, when it's not an emergency item.

Commissioner Mendoza stated he can't deny a community event.

Commissioner Molina commented the timeline takes precedence and if they make the deadline then they shouldn't go forward with the policy. He noted they are not denying the event from happening, they are just not allowing free parking. He stated they told this applicant last time not to do this and yet here they are again.

Commissioner Diaz-Luna asked where the deadline comes from?

Deputy City Manager Pelser replied the Community Services department has a policy that requires at least a thirty-day advance notice for special event applications which includes drawings of the event. That application must be reviewed by a series of departments (Police, Fire and Public Works) and Risk Management to make sure there is insurance in place. If an entity would like to ask for the parking waiver, then the application process triggers a visit to the VPD for approval. He stated they don't have an adopted policy it is tied it to the special event application process. He noted this group has done events repeatedly.

Chair Mladinov III added these requests need to be agendaized and the agenda must go out a week in advance. He stated last minute agenda additions, should be of an urgent nature and this is just non-compliance.

Commissioner Van Allen commented they wouldn't penalizing them if they didn't award free parking, because they are just being asked to pay for parking like everybody else.

Chair Mladinov III commented he doesn't have a problem giving away free parking, but an issue with people not following through on things especially after they have been told again and again.

Commissioner Diaz-Luna confirmed another division of City Hall has a deadline and the VPD doesn't. He suggested a VPD internal deadline be added and advertised. He stated the Community Services process is another entity and he doesn't think it should have any bearing on what they are deciding today. He noted it was never publicized that an applicant needs to submit a week before the deadline for it to heard at the meeting.

Chair Mladinov III replied this is a habit of this applicant and the rules governing the VPD state item must be agendized at least a week before. He requested staff add language about a deadline to the parking part of the Community Services form.

Deputy City Manager Pelser replied the parking waiver is only offered to local non-profits and if they add a check box on the Community Services special application, everybody will be asking for free parking. He commented this body shouldn't have to adopt a formal policy to ask somebody to apply for something free by a certain date. He spoke about it being important that staff can bring it to the VPD. He shared he had to make a judgement call on Tuesday in order to allow for this event to happen on Friday and get signs up with the 72-hour notice, which could create a lot of confusion if the VPD doesn't approve this. He stated if the VPD approves, then he would suggest drafting a letter from Chair Mladinov III saying if the applicant does this again, they will not be considered for the parking waiver because it puts staff in an awkward position.

Chair Mladinov III confirmed they put out the signs.

Deputy City Manager Pelser replied yes, the signs went up on Tuesday that say there will be event parking on September 13th. He noted the City requires a 72-hour notice per the Charter requirements in order to enforce.

Senior Project Manager Wong clarified Commissioner Diaz Luna's comment, stating that the first sentence of the special event application reads an applicant needs to submit a minimum of thirty days prior to the event. He reported part of the application asks where parking will be provided. He stated this doesn't specifically address the request for a waiver of parking fees, but that is how the City ties it in to the thirty days. He stated the Community Services department is the intake department and then they send it all to all the different departments including the VPD. He noted they typically have a meeting to go over the event and each department gives the Community Services department their comments, but that didn't happen with this event.

Commissioner Diaz-Luna asked when the VPD Lot usage request form was submitted.

Senior Project Manager Wong replied it was submitted with the special events application and the parking lot map on August 27, 2019 but staff didn't hear about until this Tuesday.

Commissioner Diaz-Luna replied commented the applicant submitted this request three weeks ago so it could have been put on the agenda for today.

Deputy City Manager Pelser replied its incumbent on the applicant who wants a parking waiver to take an additional step to ask the VPD and ask.

Commissioner Mendoza stated he'd like to make a motioned to grant the wavier, but also to provide a strong warning that if they are late again there will be no future consideration by this body.

Commissioner Van Allen asked if that could be two separate motions.

Commissioner Davis spoke about fault in this scenario and suggested charging half price. He commented they are right back to the circle of everyone asking for free stuff when we should be charging half price for nonprofits and the VPD needs to vote on that.

Deputy City Manager Pelser replied informed Commissioner Davis that the VPD recently took the issue up, solicited counsel and adopted the policy as is.

Chair Mladinov III confirmed it was discussed and there were numerous motions made, but until there is an overall policy change with the parking structure, he thinks it's a done deal.

Commissioner Davis replied he doesn't agree with it.

Motion by Commissioner Mendoza, seconded by Commissioner Diaz-Luna, failed by a majority vote of the members present (3-4-0-0), opposed by Chair Mladinov III, Commissioner Alas, Commissioner Molina, Commissioner Van Allen, to approve the parking fee waiver request for September 13, 2019 from the Hispanic Chamber of Commerce.

Hand Vote Results:

Aye – Commissioner Mendoza, Commissioner Davis and Commissioner Diaz-Luna.

Nay – Chair Mladinov III, Commissioner Alas, Commissioner Molina, Commissioner Van Allen

Chair Mladinov III requested staff send the Hispanic Chamber of Commerce a letter explaining them the VPD's concerns.

Deputy City Manager Pelser replied staff will communicate that their request was denied the basis of timing. He stated if the VPD had approved the waiver, it would have been appropriate to send a letter.

STAFF COMMUNICATION:

Deputy City Manager Pelser reported he will be talking to Maya Cinemas tomorrow to get the latest information about their ongoing effort to secure New Market Tax Credits from another entity.

Chair Mladinov III requests Deputy City Manager Pelser let the Commission know if something significant does come about at that meeting.

Deputy City Manager Pelser replied he would and should have an update at the Ad Hoc meeting.

Commissioner Van Allen confirmed there are still new Market Tax Credits out there and that they lost the first one.

Deputy City Manager Pelser clarified Maya Cinemas was working with a couple of Community Development Entities that historically had received an allocation but didn't. He reported he will be talking to them about their game plan to try and get those credits elsewhere. He addresses rumors and stated for the record that the project is not dead. He stated the City always knew the Maya project was predicated on successfully receiving New Market Tax Credits, but there is a valid development agreement that has been approved that needs to be honored. He reported the Parking Garage timing has gone longer than expected but for valid reasons. He shared the City has been in the process of trying to buy the adjacent segment of land owned by Union Pacific Railroad and after two years staff finally got a letter agreement approved by the City Council Friday night. He stated the City now has a 90-day due diligence period to complete environmental testing to make sure there isn't any hazardous/toxic materials. He reported staff are moving forward on our design build parking garage and the money is still allocated in the Capital Improvement budget.

Commissioner Davis asked if any other businesses have approached the City with interest on the Maya Lot.

Deputy City Manager Pelser replied no and staff couldn't have a conversation with anybody because the City has a development agreement that pledges exclusively to Maya Cinemas for a specified period of time.

Commissioner Diaz Luna a co-worker that is trying to apply for the Transformative Climate Communities (TCC) grant. He asked if the parking structure could be part of that.

Deputy City Manager Pelser replied there are elements of the garage, like having the capacity to put solar on the roof that the City may be able to get some credits for. He shared he will be talking to Kyle Brown about whether there are some aspects of that parking garage that could be built into the TCC application process.

COMMISSIONER COMMUNICATION:

Commissioner Diaz-Luna invited everyone to attend the third annual Pomona 5K/10K on October 12, 2019. He shared they could also support by sponsoring a kid to run. He noted its \$15 for youth 17 and under.

Chair Mladinov III requested Commissioner Diaz-Luna send a flyer to Senior Project Manager Wong to staff disseminate. He thanked his fellow Commissioners for being gentleman when they don't agree.

ADJOURNMENT: At 7:06 p.m. Chair Mladinov III moved to adjourn the Vehicle Parking District Commission meeting to the next regularly scheduled meeting on October 10, 2019, in the City Council Chambers.

Kirk Pelser
Deputy City Manager