



City Council Report

Date: January 12, 2009
To: City Council
Through: Christopher J. Brady, City Manager
From: William J. Jabjiniak, Economic Development Department Manager
Subject: Discuss and take action on an Ordinance amending Section 10-5-1 of the Mesa City Code, by modifying Section 10-5-1 (J) granting the City the ability to modify the fees for parking including event parking.

Purpose and Recommendation

The purpose of this report is to discuss and consider the attached Ordinance amending Mesa City Code Section 10-5-1 (J) granting the City the ability to modify the fees for parking including event parking. Staff recommends that the City Council adopt the attached Ordinance (See Exhibit No. 1).

Background

The Downtown Parking Program is currently managed by the Downtown Mesa Association. This Parking Program accommodates approximately 2,300 downtown employees in a mixture of free customer parking, monthly rentals and longer term parking licenses. The revenue generated from employee parking is a revenue source that helps cover the capital improvements costs for the parking program (lighting, improvements to the parking lots, etc.). These capital improvements facilitate the City's efforts to continue providing adequate, convenient, safe, customer parking in the downtown area.

In 2005, the City Council approved an Ordinance granting the City the ability to charge for event parking.

Discussion

The proposed Ordinance clarifies when the City will charge for event parking. If the Ordinance is approved, the City Manager or his designee will determine when the City will charge for event parking. Typically, it is decided to charge for event parking when the anticipated use of the Mesa Arts Center warrants paid parking (i.e. estimated patronage will pay for the cost of the parking attendants).

In addition, the proposed Ordinance grants the City Council the ability to authorize the City Manager to enter into licenses, leases, or other agreements that modify or waive daily and event parking fees.

On January 26, 2009, the City Council will consider the sale of 51 and 55 East Main Street. This Ordinance, if approved by the City Council, will permit a provision in the purchase agreement for 51 and 55 East Main Street to waive the special event parking fee for the Buyer's employees. To assist in satisfying the Buyer's parking needs for

Buyer's tenants, employees, and customers, the purchase agreement for 51 and 55 East Main Street contains a Parking Agreement with the following concessions regarding parking:

- Twenty-five (25) Event Parking Passes for Tenant employees will be made available to the Buyer at no charge. Thus, for the term of the Parking Agreement, Buyer's employees do not have to pay an event parking fee during events at the MAC for which there is a specific event parking fee (i.e. the \$5 event parking fee).
- The term of the Parking Agreement is for twelve (12) years from the close of escrow, with the ability to extend for an additional three (3) years for a total of fifteen (15) years.

Alternatives

The City Council could choose not to adopt this Ordinance. Staff does not recommend this option since it will not grant the flexibility to modify or waive daily and event parking fees through licenses, leases, or other agreements.

Fiscal Impact

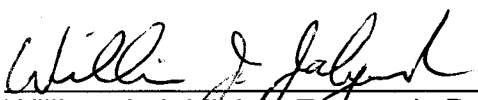
The adoption of this Ordinance will not have a direct fiscal impact. However, it will provide the ability to modify or waive daily and event parking fees through licenses, leases, or other agreements. If the City Council authorizes the City Manager to modify or waive a daily or parking fee, staff will include a fiscal impact analysis for the report discussing the license, lease, or other agreement.

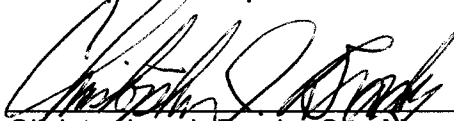
Coordinated With

The Downtown Mesa Association, Real Estate Division, and the Economic Development Department support the recommendation noted in this staff report. The City Attorney's Office approves the legal form of the Ordinance.


Patrick Murphy, Project Manager


Shelly Allen, Assistant Economic
Development Department Director


William J. Jabjiniak, Economic Development
Department Director


Christopher J. Brady, City Manager

Attachments:

Exhibit 1 Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA PERTAINING TO THE TITLE 10 OF THE MESA CITY CODE; AMENDING SECTION 10-5-1 OF THE MESA CITY CODE, BY MODIFYING 10-5-1 (J) RELATING TO THE ABILITY TO MODIFY THE FEES FOR PARKING AND EVENT PARKING AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Note:

BOLD AND ALL CAPS --- indicates proposed addition

~~Strikethrough~~ --- indicates deletions

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Title 10, Chapter 5, Section 1 is amended by modifying paragraph (J), which shall read as follows:

(J) The City Manager or his designee may cause any publicly or privately owned parking lot or garage being operated or managed by the City or being operated or managed by a private person or entity pursuant to a lease, contract, or other agreement with the City, to be reserved to accommodate event parking, i.e., for concerts, plays, athletics, and other events. A fee may be assessed for the use of these lot(s) and/or garage(s) for daily ~~and/or event~~ parking. **A FEE MAY BE ASSESSED FOR THE USE OF THESE LOT(S) AND/OR GARAGE(S) FOR EVENT PARKING.** The fees ~~FOR DAILY PARKING AND EVENT PARKING~~ shall be as approved by City Council Resolution. **THE CITY MANAGER OR HIS DESIGNEE SHALL DETERMINE IF THE EVENT PARKING FEE SHOULD BE ASSESSED FOR SPECIFIC EVENTS. THE CITY COUNCIL MAY AUTHORIZE THE CITY MANAGER TO ENTER INTO LICENSES, LEASES, OR OTHER AGREEMENTS THAT MODIFY OR WAIVE DAILY AND EVENT PARKING FEES.**

Section 2: PENALTY.

Penalties as provided by Sections 10-3-25 and 10-5-2 of the City of Mesa's City Code.

Section 3: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona,
this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

City Clerk

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