



AGENDA REPORT

Meeting Date: December 7, 2010
Item Number: C-2
To: Honorable Mayor and City Council
From: Mahdi Aluzri, Assistant City Manager
Chad Lynn, Director of Parking Operations
Noel Marquis, Assistant Director of Administrative Services

Subject: A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS SUBMITTING TO THE VOTERS OF THE CITY OF BEVERLY HILLS A MEASURE TO ESTABLISH A THREE HOUR FREE PARKING PROGRAM FOR RESIDENTS, DIRECTING PREPARATION OF AN IMPARTIAL ANALYSIS AND SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS

Attachments: 1. Resolution
2. Ordinance

RECOMMENDATION

Staff recommends that the City Council adopt the resolution to place the measure on the March 8, 2011 Municipal Elections ballot

INTRODUCTION

The attached ordinance being submitted to the voters establishes a free parking program for residents that allows for three hours free parking per day and a 50% discount from any flat rate evening parking rate charged at City parking facilities. Except for the recently constructed Foothill Drive facility near the Beverly Hills courthouse, the facilities covered by the ordinance, include all of the Parking Facilities currently in operation in the City, including the Beverly Canon Gardens (Montage) facility. Thus, more facilities are covered by this parking measure than are covered by the initiative measure proposed by G&L Realty Corporation.

The City of Beverly Hills, like numerous others in the State of California, has suffered from the financial affects of the recession and close to \$1.2 Million in State financial takeaways from the City over the past 2 years. These factors have resulted in the need for the City to make dramatic budget cuts of \$18 Million in Fiscal Year 2009-10 and another \$9 Million in Fiscal Year 2010-11, affecting the City's ability to continue to

provide essential city services such as public safety; road, street and pothole repair; library and senior services; and programs that support our local schools.

An Initiative on free parking proposed by G&L Realty Corporation has qualified for the ballot. If the G&L Realty Initiative is adopted, the City will lose approximately \$1.3 million annually in funding that supports and maintains essential city services that the public relies on. Even without the passage of the G&L Realty measure, the City anticipates an approximately \$2 Million deficit for next fiscal year. With the passage of the G&L Realty measure, that deficit will substantially worsen.

DISCUSSION

The provision of free parking at specified City-owned parking facilities has been a community tradition for the City of Beverly Hills. The City currently provides one to two hours of daytime free parking to encourage and support local businesses.

Beverly Hills residents clearly value convenient, available and reasonably priced parking. The City wishes to further encourage residents to patronize local businesses in order to maintain a vibrant retail shopping area, by providing convenient, low-cost parking to its residents while supporting a relaxed, leisurely manner for its residents to take advantage of the unique retail, recreation, service and other business stores, activities and opportunities the City of Beverly Hills has to offer.

The proposed Three Hour Free Parking Measure -- which includes an additional 50% discount from any flat rate for evening hours -- is a fiscally responsible and community-responsive proposal that provides additional parking privileges and conveniences for Beverly Hills residents in a manner that does not negatively affect the City's ability to continue to fund and provide essential city services at the level expected by our residents.

The program outlined in the proposed ordinance includes the following provisions:

1. Residents get the privilege of three hours of free parking daily and a 50% discount in the evening when the City provides for an evening flat rate in the City's off street parking facilities.
2. The facilities covered by this ordinance are those in operation as of June 30, 2008 plus the Beverly Canon Garden parking facility. Thus, each of the City's current parking facilities are covered by this initiative, except for the newly constructed facility near the courthouse on Foothill Drive.
3. The City Manager or the Manager's designee is required to establish implementation procedures to prevent misuse or abuse. These procedures may include a limitation on the number of privileges issued to each household, and a limitation that privileges shall only be provided to licensed drivers.
4. After 10 years, if it declares a fiscal emergency, the City Council by a 4/5th votes could suspend the program for a period of no more than one year. The suspension may only be renewed a supermajority of the Council but in no case it can be renewed for more than three consecutive years.
5. The ordinance if passed by the voters would prevail over any other parking measure on the ballot provided it receives more votes. Thus, this measure is proposed as an alternative to the G&L Realty Corporation initiative. Staff believes

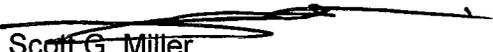
that this proposal provides greater benefits to residents and is more fiscally responsible.

6. Implementation of the program will become effective 90 days after certification of that the voters have adopted the measure.

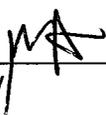
The ordinance's free parking privilege however would not apply to metered parking, monthly parking permits, daily parking passes, special event parking, commercial valet storage, early bird parking, or other special parking rates including flat evening rates. These exemptions are similar to the exemptions proposed in the G&L Realty Corporation initiative except that the City's initiative specifically explicitly exempts flat rate evening parking and then provides a 50% discount from any flat rate established for evening hours.

FISCAL IMPACT

The projected annual loss from offering residents 3 hours free parking in all City parking facilities is between \$250,000 to \$400,000. However, if residents voted to implement this program rather than the proposed G&L Realty Corporation parking initiative, the City would avoid over one million dollars in losses projected to result if that initiative measure is approved by the voters.



Scott G. Miller
Finance Approval

Mahdi Aluzri 

Approved By

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS SUBMITTING TO THE VOTERS OF THE CITY OF BEVERLY HILLS A MEASURE TO ESTABLISH A THREE HOUR FREE PARKING PROGRAM FOR RESIDENTS, DIRECTING PREPARATION OF AN IMPARTIAL ANALYSIS AND SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS

THE COUNCIL OF THE CITY OF BEVERLY HILLS DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby submits to the voters of the City of Beverly Hills a measure to enact an ordinance to establish a three hour free parking program for residents of the City of Beverly Hills. The measure shall be submitted to the voters at the general municipal election to be held on March 8, 2011.

Section 2. The full text of the measure is the proposed ordinance attached hereto as Exhibit A and incorporated herein by this reference and such ordinance shall be printed in the voter pamphlet. The question to be submitted to the voters on the ballot shall be as follows:

Shall an ordinance be adopted to provide Beverly Hills residents with free parking for three hours daily and a discount of 50% from evening flat rates at particular City-owned parking facilities?	YES _____	NO _____
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Section 3. The City Council directs the City Clerk to transmit a copy of the above referenced measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

Section 4. The City Council authorizes any and all members of the City Council to file a written argument In Favor or Against the above referenced measure in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the measure may be submitted to the City Clerk.

Section 5. The City Clerk and all other officers of the City are hereby authorized and directed to do any and all things and to execute and deliver any and all documents that they may deem necessary or advisable in order to complete the process for placing the ballot measure on the March 8, 2011 ballot.

Section 6. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and its certification to be entered in the Book of Resolutions of the Council of this City.

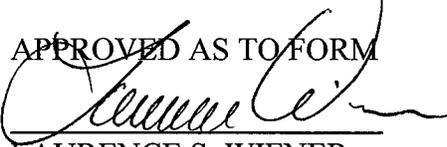
Adopted: December 7, 2010

JIMMY DELSHAD
Mayor of the City of
Beverly Hills, California

ATTEST

BYRON POPE
City Clerk

APPROVED AS TO FORM



LAURENCE S. WIENER
City Attorney

EXHIBIT A

[See attached ordinance]

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING A
THREE HOUR FREE PARKING PROGRAM FOR RESIDENTS**

The People of the City of Beverly Hills do ordain as follows:

WHEREAS, the provision of free parking at certain City-owned parking facilities has been a community tradition for the City of Beverly Hills; and,

WHEREAS, the City has constructed and maintains public parking facilities to encourage and support local businesses; and

WHEREAS, the City currently provides one to two hours of daytime free parking to encourage and support local businesses; and

WHEREAS, Beverly Hills residents value convenient, available and reasonably priced parking; and

WHEREAS, the City wishes to further encourage residents to patronize local businesses in order to maintain a vibrant retail shopping area by providing convenient, low cost parking to its residents while supporting a relaxed, leisurely manner for its residents to take advantage of the unique retail, recreation, service and other business stores, activities and opportunities the City of Beverly Hills has to offer; and

WHEREAS, in doing so, the City seeks to foster a stronger sense of community by further encouraging residents to shop locally; and

WHEREAS, the City wishes to further encourage residents to shop locally to reduce traffic and air pollution caused by travel to other shopping areas; and

WHEREAS, providing three hours of free parking to residents at City-owned parking facilities will further encourage residents to shop locally; and

WHEREAS, in an era of budget cuts and fee increases and with a tradition of free parking, three hour free parking and discounted evening parking is a fiscally responsible and low-cost but valued privilege that the City is able to offer its residents;

NOW THEREFORE;

Section 1. Chapter 8 is hereby added to Title 8 of the Beverly Hills Municipal Code to read as follows:

“Chapter 8

City Owned Off Street Public Parking Facilities

8-8-1 RESIDENT PARKING PRIVILEGES: Residents of Beverly Hills shall be permitted to park without charge in City owned off street parking facilities that operated prior to

June 30, 2008 for up to three hours in any one day. Additionally, this three hour free parking privilege for residents shall be provided in the Beverly Canon Gardens (Montage) parking facility.

8-8-2 **EXCEPTIONS:** The three hour free parking privilege granted by Section 8-8-1 shall not apply to metered parking, monthly parking permits, daily parking passes, special event parking, commercial valet storage, early bird parking, or other special parking rates. For the purposes of this Section 8-8-2, other special parking rates shall include flat rates for evening parking.

8-8-3. **EVENING FLAT RATES:** During any time that the City provides a flat rate for evening parking at any parking facility, then residents shall be entitled to a discount of fifty percent (50%) from that flat rate.

8-8-4. **RULES AND REGULATIONS:** The City Manager or his designee shall establish rules and regulations for the implementation of this Chapter and to prevent misuse of the privileges granted by this Chapter. Among other rules, the rules and regulations may prohibit the sale or other transfer of the privileges granted by this Chapter, limit the privilege to licensed drivers and limit to two the number of privileges that may be granted to one household. Any violation of the rules and regulations shall be considered a violation of this Code and, in addition to any other penalty, may result in the revocation of the privileges granted to any person found to violate the rules.

8-8-5. **SETTING PARKING RATES:** The City Council may, by resolution, set parking rates for off street parking facilities as it deems appropriate to fulfill its legislative purposes.”

Section 2: Beginning with fiscal year 2021-2022, the City Council, by a supermajority four fifths vote, may declare a fiscal emergency and suspend for one year the parking privileges granted by this ordinance. Such suspension may only be renewed by a supermajority four fifths vote. The City Council may not declare a fiscal emergency for more than three consecutive years.

Section 3. This ordinance is inconsistent with and intended as an alternative to any initiative ordinance that would place a limitation on the authority of the City Council to set appropriate parking rates for its off street parking facilities, including any initiative that would require the City to offer two hour free parking to all patrons of one or more City-owned off street parking facilities. If this ordinance and any such initiative ordinance are both passed by a majority voting thereon, then the one with the most votes shall prevail.

Section 4. This ordinance shall not be repealed or altered except by a vote of the electorate. If, at any future election, the electorate adopts a restriction on the authority of the City Council to set parking rates for one or more of its off street parking facilities, including any requirement to offer free parking other than as provided in this ordinance, then this ordinance shall be repealed and shall no longer be effective.

Section 5. In order to allow sufficient time for the Director of Parking Operations to establish and implement regulations for the administration of the privileges granted by this ordinance, this ordinance shall become effective 90 days after certification that it has been adopted by the voters.

Adopted:

Effective:

Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE
City Clerk

(Seal)