

REPORT BY THE PERMANENT REVIEW COMMITTEE TO THE CITY COUNCIL WAYS & MEANS COMMITTEE

Permanent Review Committee (PRC) findings upon review of the Request for Proposals for On-Street Parking Meter Technology to be issued by the Department of Public Works, Traffic and Parking Services Division, dated August 28, 2008

As directed by the City Council in Resolution No. 2007-454 (August 31, 2007), the Permanent Review Committee (PRC) has made the following findings regarding the Request for Proposals (RFP) for the services requested.

- (1) The City owns the right of way in which parking meters are installed. It is generally the owner of the parking meters and has expressed a preference to continue to own parking meter technology in the RFP (See RFP at page 8, "Special Contract Requirements").
- (2) Despite the City's ownership of the parking meter equipment and technology, the City is acting as a "regulator" in its administration of the metering of on-street parking on City streets. The City establishes the regulations for parking in metered spaces including the dates and hours of enforcement, the method of payment, and the use of spaces by vehicles. (See City Code of Ordinances, Sections 478.320, 478.330, 478.340 and 478.350).

The most persuasive indication that the administration and enforcement of the on-street parking meter program is the purpose for the program as stated in the applicable City Code of Ordinances. The payment are levied and assessed as a fee to cover the cost of inspection and regulation, control, operation and use of the parking spaces and parking meters described in the Ordinance and involved in the checking and **regulating** (emphasis added) the parking of vehicles in the areas where parking meters have been installed (City Code of Ordinances, Section 478.400). Quite simply, the City is regulating parking by installing metering equipment on some City streets in order to encourage turn-over of spaces, increasing the general availability of on-street parking with the objective of making on-street parking more convenient for the user thereby enhancing the likelihood of increased traffic and commerce for the City's purveyors of goods and services. It is clear that no overriding proprietary interest exists. Otherwise the City Council would be likely to meter all streets and encourage long-term parking by the highest bidder as a means to raise revenue like the operator of a privately-owned or operated parking facility.

The PRC has analyzed the following factors to arrive at its findings:

- a. The anticipated contract or contracts with vendors will likely exceed the \$250,000 threshold established by the City Council in the August 31, 2007 Resolution.

- b. The anticipated duration of the anticipated contract(s) to be awarded by the City has not been determined, but based upon the cost to manufacture and install metering equipment, will result in agreement(s) of five years or longer.
- c. It is unlikely that a disruption of parking meter services will have adverse economic affects upon the City since the purpose of the user parking fee is to pay for administration and enforcement of on-street parking regulations.
- c. The City is not likely to experience adverse financial consequences if the City experienced an interruption in the levy and collection of on-street parking meter fees. The City is not dependant upon this service or revenue stream for its operations. However, visitors and users of goods and services offered by businesses located adjacent to on-street parking meters are likely to be inconvenienced by a disruption of this service.

For the reasons and based upon the findings cited above, the PRC recommends that the City Council should not require that a provision preventing work stoppages be required of any contractor entering into an agreement to provide on-street parking meter technology equipment, installation and operation services to the City.

PRC Approval: July 17, 2008.