

1 BOARD BILL NO. 133 INTRODUCED BY: ALDERWOMAN MARLENE DAVIS

2
3 AN ORDINANCE RECOMMENDED BY THE PARKING COMMISSION OF
4 THE CITY OF ST. LOUIS RELATING TO THE DESIGN, FINANCING,
5 DELIVERY AND MANAGEMENT OF SPECIAL PUBLIC PARKING
6 SYSTEMS AND SERVICES IN DESIGNATED PARKING IMPROVEMENT
7 DISTRICTS; AUTHORIZING A PILOT PROGRAM TO TEST THE
8 FEASIBILITY OF TARGETED PUBLIC PARKING PROGRAMS IN SUCH
9 DESIGNATED DISTRICTS; AUTHORIZING THE CREATION OF THE
10 GRAND CENTER PARKING IMPROVEMENT DISTRICT AND A
11 MUNICIPAL PARKING FINANCE CORPORATION IN CONNECTION
12 THEREWITH; AUTHORIZING FURTHER ACTIONS BY THE PARKING
13 COMMISSION AND SUPERVISOR OF PARKING CONSISTENT WITH
14 THIS ORDINANCE, INCLUDING BUT NOT LIMITED TO
15 MODIFICATIONS TO PARKING POLICIES, RATES, FEES, CHARGES AND
16 SYSTEMS; AND CONTAINING A SEVERABILITY CLAUSE.

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18 WHEREAS, the City of St. Louis, Missouri, (the “City”) desires to encourage and
19 support the development of mixed-use economic zones with a vibrant concentration of theaters,
20 music venues, museums, art galleries, nightclubs, boutiques, lodging, other attractions, other
21 commercial activities and other parking demand generators (“Parking Improvement Districts”) to
22 promote economic activity and development in those districts and the surrounding environs and
23 to enhance cultural and commercial activities for the citizens of the City; and

24
25 WHEREAS, the Parking Commission of the City of St. Louis (the “Parking
26 Commission”) recognizes that inefficient, ineffective or inadequate public parking and
27 conventional, inflexible public parking regulations, rates, systems and practices can hinder and
28 encumber the development, growth and vitality of Parking Improvement Districts; and

29
30 WHEREAS, to provide adequate public parking and support the parking needs of
31 residents, visitors and patrons in Parking Improvement Districts, the Parking Commission needs
32 to develop innovative and creative approaches such as special public parking policies, rates,
33 regulations, programs, signage, systems, equipment and services in Parking Improvement
34 Districts; and

35
36 WHEREAS, the Parking Commission desires to promote parking in Parking
37 Improvement Districts without creating undue burdens on citizens of the City who do not reside
38 in or use the amenities offered in these Parking Improvement Districts by employing innovative
39 programs, systems and practices that rely on the visitors and patrons in Parking Improvement
40 Districts to directly or indirectly support the construction and expansion of public parking
41 facilities in those Parking Improvement Districts; and

42
43 WHEREAS, the Parking Commission desires to establish special public parking
44 programs in and around various Parking Improvement Districts from time to time in order to
45 promote the development, growth and vitality of such Parking Improvement Districts; and

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1 WHEREAS, the area commonly known as the Grand Center District is recognized by the
2 Parking Commission as a Parking Improvement District in need of additional parking resources
3 and special public parking programs to support the development, growth and vitality of that area;
4 and

5
6 WHEREAS, the Parking Commission desires to initiate a pilot program by establishing a
7 special public parking district and non-profit municipal parking financing corporation or other
8 legally permissible entity in the Grand Center District area to enable the Parking Commission to
9 develop innovative approaches such as special public parking policies, rates, regulations,
10 programs, signage, systems, equipment and services to support the parking needs of residents,
11 visitors and patrons in the Grand Center District area and to evaluate those approaches to
12 determine the best strategies to enhance and support public parking in Parking Improvement
13 Districts generally;

14
15 **NOW THEREFORE BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

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17 **SECTION ONE – Findings, Determinations and Declarations:** The Board of Aldermen
18 hereby finds, determines and declares as follows:

- 19
20 a) Parking Improvement Districts represent an integral part of the area’s economy, enhance
21 economic development and prosperity in those districts and the surrounding environs,
22 enhance cultural, entertainment and commercial activities for the citizens of the City of
23 St. Louis (the “City”) and thereby promote the general welfare, safety and benefit of the
24 City and its residents; and
25 b) Targeted public policies are needed to support the development and economic
26 competitiveness of Parking Improvement Districts, including special public parking
27 policies, rates, regulations, programs, signage, systems, equipment and services for
28 promoting economic activity and meeting the parking needs of residents, visitors and
29 patrons in said districts.
30

31 **SECTION TWO – Establishment of Grand Center District:** For the purpose of creating a
32 pilot program to develop innovative approaches such as special public parking regulations,
33 policies, rates, fees, charges, programs, systems and services to support the parking needs of
34 residents, visitors and patrons in Parking Improvement Districts and to evaluate those approaches
35 to determine the best strategies to enhance and support public parking in Parking Improvement
36 Districts generally, the Board of Aldermen hereby approves the designation and establishment of
37 the Grand Center Parking Improvement District, defined herein as the area bounded on the on the
38 north by the alley immediately north of Bell Avenue, on the east by the alley immediately east of
39 Compton Avenue, on the south by Lindell Boulevard and on the west by the alley immediately
40 west of Vandeventer, as the first special public parking district (the “Parking District”), where
41 establishment of said Parking District shall be expressly subject to the approval of the Parking
42 Commission of the City of St. Louis (the “Parking Commission”) by action taken subsequent to
43 the effective date of this ordinance.
44

1 **SECTION THREE – Creation of Municipal Parking Facilities Corporation:** After the
2 establishment of the Parking District, the following actions and such other actions as may be
3 requested by the Parking Commission are hereby authorized:
4

- 5 a) The Supervisor of Parking may approve the formation of a Municipal Parking Finance
6 Corporation known as the Grand Center Municipal Parking Finance Corporation
7 (hereinafter "MPFC") under the general nonprofit law of the State of Missouri with the
8 Parking Commission as the sole member of the MPFC;
- 9 b) Within ninety (90) days of the effective date of this ordinance, MPFC shall submit a
10 Parking District Business Plan for financing, organizing, marketing, operating and
11 maintaining the new special public parking district, including but not necessarily limited
12 to the proposed designation of public parking spaces and other assets to be included, the
13 provision of a safe, attractive on-street parking environment, and any modifications to
14 components of the public parking program and system, including the parking meter
15 classification system, on-street parking meters and other on-street parking equipment,
16 devices and systems, payment rates, methods and modes for parking, parking violation
17 fine structure, enforcement techniques and maintenance practices for all public parking
18 equipment and facilities, which shall be subject to the approval of the Parking
19 Commission or the Supervisor of Parking; and
- 20 c) Within one hundred and eighty (180) days of the effective date of this ordinance, MPFC
21 shall enter into a Partnership Agreement with the Supervisor of Parking, subject to the
22 Parking Commission's approval, to provide the Supervisor of Parking with all documents
23 and data required by the Supervisor of Parking, and in the form, frequency, manner and
24 extent required by the Supervisor of Parking, to ensure adequate control of the Parking
25 District, including but not necessarily limited to: (i) annual operating budgets, (ii)
26 monthly cash basis financial statements and annual cash and accrual basis financial
27 statements, (iii) proof of liability, workman's compensation, property and any other
28 insurance required by the Parking Commission as set forth in such agreement, (iv)
29 indemnification required by the Parking Commission for any liabilities or costs incurred
30 by the Parking Commission, the Supervisor of Parking or the City in connection with any
31 parking operations conducted by the MPFC or the Parking District or upon any parking
32 facilities or parking related facilities owned or operated by the MPFC or the Parking
33 District and (v) a monthly or quarterly performance report of operating and maintenance
34 practices for public parking facilities and systems and other relevant actions undertaken
35 by the MPFC or Parking District to carry out the approved Parking District Business
36 Plan.
37

38 The MPFC shall operate under terms and conditions approved by the Parking Commission,
39 including, but not necessarily limited to the following: i) it shall only engage in activities that are
40 essentially public in nature, including the operation, regulation, maintenance and development of
41 public parking, ii) none of its income may inure to the benefit of any private person corporation,
42 partnership, limited liability company or any other private enterprise, iii) the Parking
43 Commission, acting on behalf of the City, shall have the beneficial interest in the MPFC while
44 any indebtedness of the MPFC authorized by the City or the Parking Commission remains
45 outstanding, and iv) the Parking Commission, acting on behalf of the City and unless waived in
46 writing by the Parking Commission, shall receive full legal title to the property of the MPFC

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1 with respect to which the indebtedness authorized by the City or the Parking Commission was
2 incurred upon retirement of such indebtedness. Subject to such terms and conditions, and other
3 restrictions approved by the Parking Commission, the MPFC may generate net operating income
4 and accumulate reserves and other fund balances for the purpose of financing, developing and
5 acquiring other public parking facilities and carrying out other strategies and actions set forth in
6 the approved Parking District Business Plan within the Parking District. For any time period
7 during which the MPFC has outstanding debt approved by the Parking Commission, the City and
8 its ancillary agencies shall not provide any other financing incentives or assistance of any type
9 for the construction of any parking facility within one-quarter mile of the perimeter of the
10 Parking District without the approval of the Parking Commission.

11
12 Any such action undertaken by the Parking Commission or Supervisor of Parking to implement
13 the Parking District shall comply with applicable state and local laws and any bond indentures
14 and other legal obligations to which the City or Parking Commission is a party, as determined by
15 an independent and qualified bond counsel selected by the Supervisor of Parking.

16
17 **SECTION FOUR – Implementation of Grand Center Parking District:** After the creation of
18 the MPFC, and in order to support implementation of the Parking District as the first special
19 public parking district, the Parking Commission and Supervisor of Parking, as they deem
20 appropriate in their judgment and discretion, are authorized to take the following actions:

- 21
22 a) Determine the governance, membership and by-laws of the MPFC, which shall be the
23 sole not-for-profit Missouri corporation formed as a Municipal Parking Finance
24 Corporation for the Parking District;
- 25 b) Approve the design, development and implementation of special public parking
26 regulations, policies, rates, fees, charges, programs, signage, systems, equipment and
27 services for promoting economic activity and meeting the parking needs of residents,
28 visitors and patrons in the Parking District;
- 29 c) Enter into one or more agreements, contracts, joint ventures or partnerships with the
30 MPFC for implementing special public parking regulations, policies, rates, fees, charges,
31 programs, signage, systems, equipment and services for the Parking District, including
32 the designation of authorized agents for conducting parking enforcement activities,
33 provision of administrative, financial and other support for the design, acquisition and
34 implementation of parking systems, devices, programs and services and the performance
35 of other parking regulatory, operational and control functions in the Parking District;
- 36 d) Acquire, construct, repair, install and deliver suitable parking facilities and systems in
37 accord with competitive procurement guidelines approved by the Parking Commission,
38 and approve the issuance of legally permissible debt by the MPFC for the acquisition or
39 implementation of approved public parking systems, equipment, devices and services in
40 accord with applicable federal, state and local laws and regulations;
- 41 e) Loan, grant or otherwise legally transfer or convey, on such terms as the Parking
42 Commission or Supervisor of Parking shall determine, which shall be confirmed in
43 writing, unrestricted public parking fund reserves or retained earnings for actual,
44 necessary and documented expenditures as approved solely by the Parking Commission,
45 to the MPFC for the acquisition or implementation of approved public parking systems,
46 equipment, devices and services, and other reasonable business planning, legal

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1 consultation, financial advisory, facility development and operational start-up costs, and
2 provide reasonably required technical support services for the special public parking
3 program, but only upon approval of the Parking District Business Plan and execution of
4 the Partnership Agreement required by Section Three of this ordinance; and
5 f) Conduct or provide for independent financial or performance audits of the special
6 program parking program in the Parking District, including an annual performance
7 review of the special public parking program and its compliance with performance
8 metrics, operating standards and other requirements set forth in the Parking District
9 Business Plan and Partnership Agreement. On the basis of such studies, the Supervisor
10 of Parking shall report no less frequently than annually to the Parking Commission as to
11 the performance of the special public parking program and its compliance with the
12 Parking District Business Plan and Partnership Agreement and make recommendations as
13 to the future operations of the special public parking program. If, on the basis of said
14 findings and recommendations, the Parking Commission determines that the special
15 public parking program no longer merits continued public support, the Parking
16 Commission may terminate the MPFC in accord with the provisions of the Partnership
17 Agreement and order that all assets of the MPFC to which the City has a beneficial
18 interest be transferred without delay to the parking fund.
19

20 Any such action undertaken by the Parking Commission or Supervisor of Parking to implement
21 the Parking District shall comply with applicable state and local laws and any bond indentures
22 and other legal obligations to which the City or Parking Commission is a party, as determined by
23 an independent and qualified bond counsel selected by the Supervisor of Parking.
24

25 **SECTION FIVE – Study of Future Special Parking Districts:** No sooner than one year, and
26 no later than three years, after the Parking Commission’s approval of the Parking District
27 Business Plan submitted by MPFC, the Supervisor of Parking shall commission a performance
28 review, management audit or similar study of the Parking District. Based on the results of this
29 study, the Supervisor of Parking may select additional special public parking districts for
30 consideration. For any such district, the Supervisor of Parking shall commission an independent
31 study to assess the parking needs of the district and test the market and financial feasibility of
32 customer-driven public parking systems and services for that district. Based on the results of that
33 study, and any other due diligence required to determine the compliance of the proposed district
34 with applicable state and local laws and any bond indentures and other legal obligations to which
35 the Supervisor of Parking is a party, the Supervisor of Parking may recommend the designation
36 of the special public parking district to the Parking Commission.
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38 **SECTION SIX - Severability:** The sections of this ordinance shall be severable. If any
39 ordinance section is found to be invalid by a court of competent jurisdiction, the remaining
40 ordinance sections shall remain valid, unless the court finds the otherwise valid sections are so
41 essentially and inseparably connected with and dependant on the invalidated section that it
42 cannot be presumed that the Board of Aldermen would have entered into the otherwise valid
43 sections without the invalidated section or unless the court finds the valid sections standing alone
44 are incomplete and incapable of being executed in accord with legislative intent.