

ORDINANCE NO. BL2022-_____

An ordinance approving an agreement by and between the Metropolitan Government and LAZ Parking Georgia, LLC relating to the operation and management of the on-street metered parking program within the public rights-of-way of the Metropolitan area.

WHEREAS, Section 11.907 of the Charter provides the following as to the Traffic and Parking Commission (the "Commission"):

Sec. 11.907. - Management and control of parking meters, garages and other traffic facilities.

The commission shall have power to control and manage parking facilities in any metropolitan street or road, including the installation of parking meters or other necessary equipment in connection therewith. The commission shall prescribe and may revise a schedule of service charges in connection with the use of parking meters, a copy of which schedule shall be kept on file and subject to public inspection at the office of the commission and at the office of the metropolitan clerk.

The commission shall also have control and management of any public parking garage or other traffic facilities, and with the acquisition, construction and establishment of the same. The commission may enter into lease agreements with private operators to operate the parking facilities owned by the metropolitan government. The commission is authorized to collect rents, fees or other charges for such parking garage and other traffic facilities as it may operate and manage.

All moneys collected by the commission from parking meters, or any other service charges, shall be remitted by it to the metropolitan treasurer, who shall keep such moneys in a separate account earmarked for traffic and parking improvements; and,

WHEREAS, the Metropolitan Government ("Metro") has determined that its on-street metered parking program (the "Metered Parking System") is in need of modernization, is not as efficient and convenient as it could be, and does not maximize the value of the program for funding traffic and parking improvements, as described in Section 11.907 of the Charter; and,

WHEREAS, the authority provided in Section 11.907 of the Charter authorizes Metro to enter into lease agreements with private operators to operate parking facilities such as on-street metered parking within the rights of way of Metro effectively authorizes Metro to utilize a competitive procurement process to contract for the operation of the on-street metered parking within the Metro rights-of-way; and,

WHEREAS, Metro accordingly issued RFQ # 98182 (the "RFQ") with the objective of soliciting respondent qualifications and detailed feedback from parking management experts regarding improvements to Metro's Metered Parking System; and,

WHEREAS, on December 30, 2021, Metro awarded the RFQ to LAZ Parking Georgia, LLC (Parking Company) and conducted final contract negotiations with Parking Company which have

resulted in an agreement between Metro and Parking Company (collectively, “the Parties”) to be approved by the Commission and the Metro Council (the “Agreement”); and,

WHEREAS, Metro has established a Metered Parking System and Metro desires to grant Parking Company the right, on Metro’s behalf, to operate, maintain and manage the Metered Parking System for the Term (as defined in the Agreement) of the Agreement, in consideration of the payments and activities to be made by Parking Company pursuant to the Agreement; and,

WHEREAS, Parking Company desires to accept the responsibility, on Metro’s behalf, to operate, maintain and manage the Metered Parking System for the term of the Agreement, in consideration of the payments to be made to Parking Company per that same Agreement; and,

WHEREAS, the Parties intend that Metro will maintain ownership of the Metered Parking System and the right, in Metro’s sole discretion, to dictate the means, manner and time in which the Metered Parking System will be operated (including whether to implement changes to rates, meters, hours of operation, system regulations, fees, street usage, curb design and maintenance, meter closures and other key public policy matters); and,

WHEREAS, the Parties intend that the day-to-day operational decision-making for the Metered Parking System will reside with Parking Company, provided that Parking Company must operate the Metered Parking System in compliance with the Agreement and the agreed Business Plan proposed by Parking Company and updated from time to time with the approval of Metro; and,

WHEREAS, it is in the best interests of Metro that the Agreement be approved.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Parking Agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Traffic and Parking Commission, and LAZ Parking Georgia, LLC, which is attached hereto as Exhibit A, is hereby approved, and the Chair of the Traffic and Parking Commission, is hereby authorized to execute the Agreement and the Commission, the Purchasing Agent, and the Department of Transportation and Multi-modal Infrastructure are directed to take all actions necessary for the implementation of the Agreement.

Section 2. Amendments to the Agreement may be approved by resolution of the Metropolitan Council.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government requiring it.

RECOMMENDED BY:

Diana Alarcon, Director
Department of Transportation and
Multi-Modal Infrastructure

APPROVED AS TO AVAILABILITY OF FUNDS:

Kelly Flannery, Director
Department of Finance

INTRODUCED BY:

Member(s) of Council

RECOMMENDED BY:

Michelle Lane, Purchasing Agent

APPROVED AS TO FORM AND LEGALITY:

Assistant Metropolitan Attorney