



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Resolution relating to Commuter Parking		
Presenter & Title:	Stephanie K. Dawkins, City Administrator		
Date:	August 3, 2020		
Please Check Appropriate Box:			
<input checked="" type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input checked="" type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: N/A			
Estimated Cost: \$N/A	Budgeted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If "Other Funding," please explain how the item will be funded:</i>			
Executive Summary:			
<p>In May, the Mayor issued Executive Order 2020-04 (Commuter Parking) and Executive Order 2020-07 (Temporary Outdoor Seating) in response to guidelines issued by the Governor of the State of Illinois. These Executive Orders were ratified by the City Council on June 15, 2020. It is anticipated that the temporary outdoor dining guidelines will remain in effect through October 31, 2020. It is also anticipated that many commuters will not resume their regular commute until the State enters into the next Phase of Governor Pritzker's "Restore Illinois" plan.</p> <p>With the expansion of outdoor dining and reliance on curb side pickup for both restaurants and retailers, parking in the downtown area remains at a premium. The commuter parking lots (both daily and permit parking) are currently not operating a full capacity which provides additional parking for the restaurants and retailers in the vicinity.</p> <p>Through ratification of Executive Order 2020-04 the City council previously suspended the parking charge for the City's parking deck and for the parking lot lying east of Illinois State Rte 31 and south of the Union Pacific Railroad main line effective March 17, 2020. In addition, the parking permit fees for the quarter ending May 31, 2020 were applied to the quarter ending August 31, 2020. The resolution proposed would extend both of those actions through December 31, 2020 to provide for additional parking (at no fee) to be utilized by anyone visiting or working in the downtown area.</p> <p>While this action would result in unrealized revenue, the Commuter Parking Fund can support this proposed extension on the waiver of fees. It should be noted that the City leases the permit lot from the Union Pacific Railroad for \$3,587.14/month which is based upon a formula of a daily rate/car x 21 working days x # spaces. This rate has not changed since 2000. The City has reached out to the UP to inquire about a rate reduction or suspension during this time and will continue to do so. However, as any waiver of fees is strictly the decision of the City Council</p>			

there is no legal obligation on the part of the UP to grant any such request. The City has the full use of the permit lot at all times (not just during commuter parking hours).

Attachments: *(please list)*

- Resolution
- Executive Order 2020-04
- Executive Order 2020-07

Voting Requirements:

This motion requires 5 affirmative votes for passage.

The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.

Recommendation / Suggested Action: *(how the item should be listed on agenda)*

Recommend approval of Resolution Relating to Commuter Parking Fees and Permits.

RESOLUTION NO. 2020-59

A RESOLUTION RELATING TO COMMUTER PARKING

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation in the State of Illinois related to the COVID-19 pandemic; and

WHEREAS, on March 15, 2020 and on April 20, 2020 the Corporate Authorities of the City of Geneva, Illinois declared a state of emergency and local disaster exists; and

WHEREAS, the Corporate Authorities by Ordinance 2020-10 and Ordinance 2020-11 granted the Mayor the extraordinary and temporary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, The Mayor of the City of Geneva issued Executive Order 2020-04 relating to Commuter Parking (ratified by the City Council by Ordinance 2020-15 on June 15, 2020); and

WHEREAS, the Mayor of the City of Geneva issued Executive Order 2020-07 authorizing the restaurants and bars, on a temporary basis, to operate in expanded outdoor areas on both public and private property (ratified by the City Council by Ordinance 2020-15 on June 15, 2020); and

WHEREAS, the State of Illinois entered into Phase 4 of Governor Pritzker's "Restore Illinois" plan on June 26, 2020; and

WHEREAS, the "Restore Illinois" plan indicates the State will remain in Phase 4 (or potentially revert to a previous phase) until such time as a vaccine or highly effective treatment for COVID-19 is widely available or the elimination of any new cases over a sustained period; and

WHEREAS, the City Council of the City of Geneva passed Resolution 2020-39 on July 6, 2020 suspending special event application review due to expanded outdoor dining expected to continue through October 31, 2020; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, Kane County, Illinois, as follows:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into Section 1.

SECTION 2: That Title 8 (Public Ways and Property) Chapter 7 (Parking Facilities Near Railroad Station) is temporarily suspended and the following applies:

8-7-4: Parking Meter Zones;

- C. Rates; There shall be no parking charge within the City's parking deck or for the parking lot lying east of Illinois State Rte 31 and south of the Union Pacific Railroad main line beginning March 17, 2020 through December 31, 2020.

8-7-5: Permit Parking Zones:

- E. Parking Permit Fee: Payment for parking permits issued by the police department for the fourth quarter 2020 (June through August), will remain valid through December 31, 2020.

SECTION 3: All other provisions of Title 8, Chapter 7 of the Geneva Municipal Code not in conflict with this Executive Order remain in full force in effect.

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Executive Order, to the extent of such conflict, are held in abeyance during the life of this Executive Order.

SECTION 5: Each section, paragraph, clause and provision of this Resolution is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Executive Order, nor any part thereof, other than that part affected by such decision.

SECTION 6: Except as to the Code provisions set forth above in this Resolution, all chapters and sections of the City Code of the City of Geneva, as amended, shall remain in full force and effect.

SECTION 7: It is in the best interests of the City that the provisions of this Resolution be effective immediately for purposes of implementation.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this ___ day of _____, 2020.

AYES:___ NAYS:___ ABSENT:___ ABSTAINING:___ HOLDING OFFICE: 9

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois this ___ day of _____, 2020.

Mayor

ATTEST:

City Clerk



Executive Order 2020-04

COMMUTER PARKING PERMITS

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation in the State of Illinois related to the COVID-19 pandemic; and

WHEREAS, on March 15, 2020 and on April 20, 2020 the Corporate Authorities of the City of Geneva, Illinois declared a state of emergency and local disaster exists; and

WHEREAS, the Corporate Authorities by Ordinance 2020-10 and Ordinance 2020-11 granted the Mayor the extraordinary and temporary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, on March 20, 2020 the Governor of the State of Illinois issued Executive Order 2020-10 (COVID-19 Executive Order No. 8) which, among other things instituted a “Stay at Home” order through April 7, 2020; and

WHEREAS, on April 1, 2020 the Governor of the State of Illinois issued Executive Order 2020-19 (COVID-19 Executive Order No. 17) which, among other things extended the “Stay at Home” order through April 30, 2020; and

WHEREAS, on April 30, 2020 the Governor of the State of Illinois issued Executive Order 2020-32 (COVID-19 Executive Order No. 30) which, among other things extended the “Stay at Home” order effective May 1, 2020;

NOW, THEREFORE, by the powers vested in me as the Mayor of the City of Geneva, Kane County, Illinois, I order as follows:

Section 1: Each whereas paragraph set forth above is incorporated by reference into Section 1.

Section 2: That Title 8 (Public Ways and Property) Chapter 7 (Parking Facilities Near Railroad Station) is temporarily suspended and the following applies:

8-7-4: Parking Meter Zones;

- C. Rates; There shall be no parking charge within the City’s parking deck or for the parking lot lying east of Illinois State Rte 31 and south of the Union Pacific Railroad main line beginning March 17, 2020 until such time as the Governor’s “Stay at Home” orders have expired.

8-7-5: Permit Parking Zones:

E. **Parking Permit Fee:** Payment for parking permits issued by the police department for the third quarter (March through May), will automatically be applied to the fourth quarter (June through August), and permits will remain valid through the fourth quarter. Permit parking holders who request a refund for the third quarter in lieu of an extension of the permit validity period shall surrender the old parking permit. Once permit is surrendered and refund is made, the permit holder will be required to comply with Geneva Municipal Code 8-7-5(D) requiring a new application and will be subject to availability and wait list, if any.

Section 3: All other provisions of Title 8, Chapter 7 of the Geneva Municipal Code not in conflict with this Executive Order remain in full force in effect.

Section 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Executive Order, to the extent of such conflict, are held in abeyance during the life of this Executive Order.

Section 5: Each section, paragraph, clause and provision of this Executive Order is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Executive Order, nor any part thereof, other than that part affected by such decision.

Section 6: Except as to the Code provisions set forth above in this Executive Order, all chapters and sections of the City Code of the City of Geneva, as amended, shall remain in full force and effect.

Section 7: It is in the best interests of the City that the provisions of this Executive Order be effective immediately for purposes of implementation.

So ordered by me, the Mayor of the City of Geneva, this 5th day of May, 2020.



Kevin R. Burns, Mayor

ATTEST:



Deputy City Clerk

Issued by the Mayor May 5, 2020
Filed with the Deputy City Clerk May 5, 2020



Executive Order No. 2020-07

AN EXECUTIVE ORDER AUTHORIZING RESAURANTS AND BARS THE OPTION FOR TEMPORARY RESUMPTION OF OPERATIONS FOR OUTDOOR SEATING ONLY IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS

WHEREAS, on March 9, 2020 and April 30, 2020 the Governor of the State of Illinois issued a disaster proclamation in the State of Illinois related to the COVID-19 pandemic; and

WHEREAS, on March 15, 2020 and on April 20, 2020 the Corporate Authorities of the City of Geneva, Illinois declared a state of emergency and local disaster exists; and

WHEREAS, the Corporate Authorities by Ordinance 2020-10 and Ordinance 2020-11 granted the Mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, on March 16, 2020, the Governor of the State of Illinois issued Executive Order 2020-07 which, among other things, prohibited the on-site consumption of public food or beverages in most businesses through March 30, 2020; and

WHEREAS, on April 1, 2020, the Governor of the State of Illinois issued Executive Order 2020-18 which, among other things, extended the prohibition for the on-site consumption of public food or beverages in most businesses through April 30, 2020; and

WHEREAS, on April 30, 2020, the Governor of the State of Illinois issued Executive Order 2020-32 effective May 1, 2020; and

WHEREAS, on May 5, 2020 the Governor announced Restore Illinois, a 5-Phase Plan to allow the reopening of Illinois; and

WHEREAS, on May 20, 2020 the Governor announced the inclusion of restaurant and bars to resume operations for outdoor seating only into Phase 3 of the Restore Illinois Plan;

NOW, THEREFORE, by the powers vested in me as the Mayor of the City of Geneva, Kane County, Illinois, I order as follows:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: It is hereby determined that allowing, on a temporary basis, restaurant and bars to resume operations for outdoor seating only with certain restrictions including but not limited to requiring social distancing, appropriate and safe pedestrian paths, and appropriate

measures to protect outdoor patrons from vehicular traffic hazards will assist restaurants and bars to recover economically during this State of Emergency.

SECTION 3: Pursuant to the authority granted to the Mayor by law and in accordance with the Governor's Executive Orders, the Illinois Department of Public Health Regulations for Restaurant Outdoor Dining, and Guidance issued by the Illinois Department of Commerce and Economic Opportunity, it is hereby proclaimed that restaurants and bars may resume operations with temporary outdoor seating, in conformance with the standards and guidelines set forth in Exhibit A "Temporary Outdoor Seating Options for Restaurants and Bars".

SECTION 4: Any temporary measures/guidelines relating to the sale and/or consumption of alcoholic beverages enacted by the Illinois Liquor Control Commission in response to COVID-19 are deemed adopted by the City of Geneva for the duration of the temporary measures/guidelines.

SECTION 5: Any expanded temporary outdoor seating shall expire upon the earlier of:

- a. The end of the Governor of the State of Illinois' disaster proclamation regarding COVID-19;
- b. Repeal of this Executive Order by an ordinance of the Mayor and City Council or by Executive Order of the Mayor;
- c. This Executive Order being superseded by State law or an Executive Order of the Governor of the State of Illinois.

SECTION 6: All ordinances, or parts of ordinances, in conflict with the provisions of this Executive Order, to the extent of such conflict, are held in abeyance during the life of this Executive Order.

SECTION 6: Each section, paragraph, clause and provision of this Executive Order is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Executive Order, nor any part thereof, other than that part affected by such decision.

SECTION 7: It is in the best interests of the City that the provisions of this Executive Order be effective immediately for purposes of implementation.

So ordered by me, the Mayor of the City of Geneva, this 27th day of May, 2020.



Kevin R. Burns, Mayor

ATTEST:


Deputy City Clerk