

PUBLIC WORKS COMMITTEE REPORT
June 8, 2011 1:20 PM
City Council Chambers

Members Present: Jason Wiener (chair), Ed Childers, Dick Haines, Bob Jaffe, Marilyn Marler (2:45PM), Renee Mitchell, Dave Strohmaier, Pam Walzer, Jon Wilkins, Cynthia Wolken

Members Absent: Lyn Hellegaard,

Others Present: Steve King, Kevin Slovarp, Doug Harby, Monte Sipe, Phil Smith, Jim Nugent, Anne Guest, Scott Sproull, Tim Franc, Harold Hoem, Jan Hoem, Kevin Pfau, Justin Manzer, R. Manzer, Judy manzer, Nancy Seinne, Cody Cowart, Kathy Lathrop, Keila St. Paller, Erika Martin, Paige Livingston, Rod Austin, Mick Owens, Betsy Mulligan Dague, Steve Thompson, Rhonda Davis, Cyndie Winchell, Taylor Vallianat, Scott Laisy, Michael Tyee, Jim Dayton

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of – May 25, 2011 Approved as submitted
June 1, 2011 Approved as submitted
- B. Announcements – Jason Wiener removed two items from the Held and ongoing Agenda Items that were resolved: Number 7, Amending MMC Chapter 3.18 Sewer Connection Expense Relief Loan Program and number 8, Installation of an indoor shooting range that was withdrawn.
- C. Public Comment on Non-Agenda items – None

II. CONSENT AGENDA ITEMS

- 1. Resolution to order curb and sidewalk improvement project 10-019, Lolo Street – Bridge to Duncan. (memo)-Regular Agenda (Monte Sipe) (Referred to committee: 06/06/11)(REMOVE FROM AGENDA)

Motion: The committee recommends the City Council adopt the resolution to order curb and sidewalk improvements adjacent to properties in the Lolo Street – Bridge to Duncan area, Project 10-019.

Doug Harby, Project Manager, stated this project was the second phase of improvements for properties along the north and south frontage of Lolo Street from the Rattlesnake Creek Bridge to Duncan Drive. This is the second Resolution to Order which will add two rear lots, lots 2 and 3 of the Sharon's Garden subdivision (lots 1 and 4 contain two townhouse structures each). The bond counsel has determined that all four units benefit equally from the Lolo Street improvements and the costs should be assessed equally among the four lot owners. The total estimated cost of improvements fronting these lots is \$13,800.00 (\$3,450.00 per lot). A notice letter was sent to the affected property owners informing them of the project proposal.

Ed Childers wanted to know if assessing properties on a short court that are not actually adjacent to the project could apply to cul-de-sacs. Doug Harby said because these buildings were connected it made this particular project unique.

Dave Strohmaier made the motion to recommend the City Council adopt the resolution to order curb and sidewalk improvements for project 10-019.

The motion was passed unanimously.

II. REGULAR AGENDA ITEMS

1. Discuss the Rattlesnake Valley Transportation Summit Study. ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 06/06/11)(**REMOVE FROM AGENDA-DISCUSSION ITEM ONLY**)

Dave Strohmaier gave an overview of the [Rattlesnake Transportation Study](#) which is available on line at the City website. This project was initiated in August 2009 by City Council members Dave Strohmaier and Jason Wiener. This ad hoc group comprised from the Upper and Lower Rattlesnake Valley was asked to prioritize areas of the Rattlesnake most in need of improvements. Two full scale summit meetings were attended by citizens and various city and school district staff members. The area was divided into four quadrants and then the infrastructure projects were prioritized. The study was formally presented to a joint meeting of the Upper and Lower Rattlesnake Neighborhood Councils on February 27, 2011 and a second meeting on April 21, 2011 where a summary of public comment on the study was presented. The study will serve as a guide for elected officials, city staff, and citizens in prioritizing transportation infrastructure improvements in the Rattlesnake Valley.

Public Comment:

Harold Hoem, resident of the Rattlesnake area stated that the Rattlesnake has parts that are still rural, semi-rural and urban. Working in a joint effort with Lower Rattlesnake, progress was made with the main focus on corridors not side streets. This is meant to be a living document used to continue getting things done, to close the gaps between the areas where sidewalks and bike and curb lanes are missing. The focus is on safety for all residents, bicyclists, pedestrians and motorists. The most important things are the principles and criteria check list, and neighborhood comments.

Jan Hoem, resident of the Rattlesnake area said the first concern was the safety on lower Van Buren. Two other urgent areas were Lolo Street east and west and from Lolo Street to the elementary school. Flexibility factors were built in to accommodate changing conditions so projects could be reprioritized according to the necessities. Safe routes to school were also a major safety concern.

Jason Wiener wanted to recognize Mick Owens from the Upper Rattlesnake Leadership team who was in the audience and a new member.

Steve King, City Public Works Director, acknowledged the work from the neighborhood saying the process was valuable in getting the people together and the product is valuable and durable to the Public Works Department. It helps to educate us in how to be responsive to the citizen's requests for neighborhood improvements and Public Works looks forward to continuing to work with the neighborhood councils and council members. The Lolo Street project is happening this summer and Van Buren is scheduled for next summer. The initiative of the neighborhood and the Council's support played a big part in these projects moving forward.

Ed Childers asked if there was an implementation schedule for these projects. Dave Strohmaier said the first step was to develop this document for a methodology for priorities. Some of the urgent priorities are in the works now and as funding becomes available this study will be used to determine priorities.

Jason Wiener said the other part to this is the projects are either in the Capital Improvements Program (CIP) or need to be added so they are ranked against the other projects city wide. There is no special funding for projects in this study, the monies would come from the same funding all city projects use, neighborhood grants, property assessments, etc.

Pam Walzer said she could see the potential of implementing something similar to this study city wide, not just generalizations but actual plans.

2. An [ordinance](#) generally amending Title 10 Vehicles and Traffic by amending Chapter 10.22 entitled "Stopping, Standing and Parking"; Chapter 10.24 entitled "Parking Meters"; Chapter 10.30 entitled

“Loading and Unloading”; Chapter 10.33 “Vehicle Removal”; Chapter 10.50 entitled “Street Cleaning Regulations”; and Chapter 10.54 entitled “Violations—Penalties” by amending sections 10.22.230, 10.22.260, 10.22.290, 10.22.300, 10.24.040, 10.30.020, 10.33.010, 10.33.020, 10.50.050, 10.54.140 and repealing section 10.54.130 of the Missoula Municipal Code. (Memo) (Parking fine proposals) (PW) (Returned from Council floor: 06/06/11)(PASSED UNANIMOUSLY-Chair requested this appear under Committee Reports).

Motion: The committee recommends the City Council approve amendments to Ordinance amending Title 10 Vehicles and Traffic by amending Chapter 10.22 entitled “Stopping, Standing and Parking”; Chapter 10.24 entitled “Parking Meters”; Chapter 10.30 entitled “Loading and Unloading”; Chapter 10.33 “Vehicle Removal”; Chapter 10.50 entitled “Street Cleaning Regulations”; and Chapter 10.54 entitled “Violations—Penalties” by amending sections 10.22.230, 10.22.260, 10.22.290, 10.22.300, 10.24.040, 10.30.020, 10.33.010, 10.33.020, 10.50.050, 10.54.140 and repealing section 10.54.130 of the Missoula Municipal Code.

Jason Wiener said there have been several committee meetings that included focusing on public comment as well as the public hearing at the City Council Meeting Monday night allowing anyone that wanted to, to comment so it is the intention today to give the bulk of the time to council deliberation on this issue. There are many revisions to the ordinance including the overtime and meter violation fines.

Ed Childers said the revenue portion of this ordinance is extremely important in regards to the debt that has been committed to by the Parking Commission. The "oops ticket" proposal has received a lot of support from the business community. The parking district and the parking regulations in general are intended to be beneficial to the downtown businesses. If a fee schedule is implemented to replace the \$5.00 ticket with a zero ticket will the revenue be approximately the same as the amount of revenue we have today?

Bob Jaffe said he thinks the revenue would be the approximately the same. There are three elements to the parking fine structure: meter violations, overtime violations, and improper parking violations that include different types of improper parking such as the yellow zones and handicap parking. A significant proposed change is for improper parking fines to go from \$15.00 to \$20.00 and that would generate a lot of revenue. Currently the total assessed fines for all types of parking fines for a six month period is approximately \$220,000.00. The remaining other types of tickets generate \$188,000.00; this means \$32,000.00 would need to be generated from the meter and overtime fines to break even, this would be with the disclaimer that we cannot predict how people will react. If the first three tiers of tickets \$5.00, \$10.00, and \$15.00 are used and assuming people get the same number of tickets and stop at the third ticket, that would generate \$332,000.00, that is \$100,000.00 more than we generate now. This would allow a great deal of flexibility.

Dave Strohmaier said he understands the concerns of the downtown merchants and those of the Parking Commission. He would like to hear an explanation from Anne Guest for the Parking Commissions views of Bob Jaffe's analysis of the figures. Whichever scenario is decided on it needs to be flexible, if revenue numbers decline rapidly we would need to be able to respond accordingly. His support is for either an "oops" or \$2.00 ticket.

Anne Guest, Director of the Missoula Parking Commission, said after reviewing the data from Bob Jaffe the amount she calculated that would be in jeopardy is closer to \$100,000.00 with the "oops" ticket option. She feels the \$5.00 and \$10.00 tickets would definitely cause a faster change of behavior, the parking fine amounts not the number of tickets is the deterrent. Improper parking fines of \$20.00 would also generate behavior changes. What is the tolerance for putting the Parking Commission revenue at risk? Her risk tolerance is low.

Bob Jaffe asked how much money is in the Parking Commission reserve after the parking garage obligations are met. Anne Guest said one million dollars. He said he understands the conservative

view from a policy prospective but he also understands the retailers view because it matters to their customers.

Jason Wiener said it comes down to the question of how responsive the public will be. The Parking Commission's view is people will be very responsive in changing their parking patterns and the other side is they will be responsive in their destination choices. Many of the people getting tickets such as commercial vendors and employees have to come downtown anyway, his inclination is to go with the \$2.00, \$5.00, \$10.00 tickets and then in six months there would be data available to decide what the cost would be to implement a free first ticket.

Renee Mitchell said this is a very divisive issue and she understands the retailer's side; she also understands the commitment of the Parking Commission for the funding of the parking garage and that should not be jeopardized. She would like to know from those in favor of the "oops" ticket what would their suggestion be for the second, third, etc. tickets.

Jon Wilkins said most retailers agree with the tiered structure of \$5.00, \$10.00 and up but would like an "oops" ticket for the first offense. He also thinks the yellow zone fines should be increased to \$25.00. He favors the "oops" ticket.

Jon Wilkins made the motion to adopt the draft parking ordinance attached to the agenda to amend Title 10, incorporating Option 3 from the parking fine options attached to the agenda (the recommendation with a zero dollar first ticket).

Pam Walzer pointed out that every place in the City other than the central business district must provide one parking space for every three hundred feet of retail space. The central business district does not do this; they provide the Parking Commission to fulfill that requirement with on street parking and structure parking. After a six month review of the revenue situation that would include an "oops" ticket, she would like to see all businesses that supported the zero ticket be in support of a parking district or something else that would offset the revenue they do not have to pay for that required parking space for every three hundred feet of retail space. With the zero ticket it would mean one more additional ticket would need to be written to arrive at the same revenue.

Marilyn Marler wanted to clarify that the motion made was Option 3. She favored option two with the \$5.00 ticket but could compromise with option four with the \$2.00 first ticket. She proposed an amendment to Jon Wilkins motion that the first ticket stay at \$2.00 and then increase.

Public Comment:

Tim Franc said he was not in favor of the "oops" ticket. His perspective is this same discussion has been going on for thirty years and the same people will continue to get tickets. If the proponent of the "oops" ticket is that set on taking care of each customer then just pay for their tickets and say thank you. A lot of retailers do that, which is what he does. He recognizes this is a chance to move forward and he supports the amendment.

Scott Sproull, Hide and Sole owner, said the "oops" ticket is a reward not a penalty, it is a positive reinforcement, it is a marketing ploy. There are over four hundred downtown businesses; we are in competition with internet sales. We are asking that the "oops" ticket be added to the Parking Commissions option of \$5.00, \$10.00, \$15.00 and \$20.00. This "oops" ticket is an opportunity to do something positive, we will be here to support the Parking Commission, and we don't want to compromise them either.

Jason Wiener called for the vote on the amendment to the main motion made by Marilyn Marler; the amendment failed on a voice vote. We are now returning to the main motion made by Jon Wilkins with zero for first the fine, then \$5.00, \$10.00, \$15.00 and \$20.00.

Bob Jaffe would like for the language in the ordinance to reflect that the number of tickets a person receives in the last six months determines the rate of the ticket they are receiving now. An unpaid

ticket would not drop off your record. This would be a friendly amendment. Jon Wilkins will accept that friendly amendment.

The committee's deliberation about the fine for meter and overtime violations will be incorporated in section 10.54.140 of the ordinance for Monday night's City Council meeting.

Bob Jaffe also wanted to amend another section of the ordinance 10.22.260 B, regarding the residential parking permits areas; he would like it to reflect there could only be one ticket issued per day in the residential area.

Cyndie Winchell, Parking Enforcement Officer, explained that currently more than one ticket could be issued per car per day. Home owners complain that the same cars park all day.

Bob Jaffe's amendment is to limit the residential parking permit to one ticket per day. The amendment failed on a voice vote.

The main motion made by Jon Wilkins includes the parking fine language that starts at zero and goes to \$5.00, \$10.00, \$15.00 and \$20.00 after that.

The motion was passed unanimously and section 10.54.140 will be redrafted to reflect committee discussion.

III. HELD AND ONGOING AGENDA ITEMS

1. Discussion on the sizes of grease interceptors for the restaurant industry ([Grease Interceptor PowerPoint](#)) ([memo](#)).—Regular Agenda (Stacy Rye and Bob Jaffe) (Referred to committee: 04/21/08)
2. Review infrastructure conditions at the locations of serious and fatal traffic accidents: 2007-2009 ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 01/25/10)
3. T4 America partner support ([memo](#)) – Regular Agenda (Stacy Rye) (Referred to committee: (Referred to committee: 08/16/10)
4. Presentation from Public Works staff regarding proposed process for finding contractors and awarding bids for reconstruction of Russell Street. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 11/15/2010)
5. Resolution to change the speed limit on Reserve Street between Brooks and 39th Street. ([memo](#))—Regular Agenda (Wayne Gravatt) (Referred to committee: 01/24/11)
6. Confirm the reappointments of Carol Williams and Theresa Cox to the Missoula Parking Commission for a term commencing May 1, 2011 and ending April 30, 2015.
7. Consider an ordinance and emergency ordinance of the Missoula City Council amending Missoula Municipal Code Chapter 3.18 entitled Sewer Connection Expense Relief Loan Program. ([memo](#))—Regular Agenda (Kevin Slovarp) (Referred to committee: 04/18/11)
8. Approve the installation of an indoor shooting range at 1010 North Avenue per MMC 9-62.040. ([memo](#))—Regular Agenda (Doug Harby) (Referred to committee: 04/18/11).
9. Update from the Parking Commission. ([memo](#))([Parking Fines](#)) ([Policy Review](#)) ([Ltr: Iowa](#)) ([Ltr: Hensley](#)) ([Draft Parking Ordinance](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 03/07/11)

III. ADJOURNMENT

The meeting adjourned at 2:35 PM

Respectfully Submitted,
Peggy Diamond, Program Specialist
City Public Works Department