

PUBLIC WORKS COMMITTEE REPORT
April 13, 2011 10:35 AM
City Council Chambers

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

Members Absent: Lyn Hellegaard, Stacy Rye

Others Present: Steve King, Kevin Slovarp, Monte Sipe, Gregg Wood, Doug Harby, Marty Rehbein, Anne Guest, Jerry Wolf, Jerry Ballas, Kathy Lathrop, Taylor Valliant, Bob Wachtel, Mike Nave, Mark Bancale, Ethel MacDonald, Rod Austin, Jim Galipeau, Matt Ellis, Steve Loken, Bob Marshall, Scott Sproull

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of – [April 6, 2011](#) Approved as submitted
- B. Announcements – Steve King, Public Works Director, gave an update on the progress of the winter road maintenance starting with the pothole patching. A few weeks ago Public Works brought the Council a priority list of roads used for winter repairs. Our crews have completed all the priorities in the flats and will soon have all the priorities in the hillside area completed. Broadway, Orange and Toole will continue to be patched and re-patched. Work will soon be completed on 55th Street, 23rd Street, Hillview Way and Whitaker. The crews are switching from pothole patching to street sweeping and all of the priority one streets in the community will be done by April 14th. They have been sweeping the priority two streets intermittently and now they will be systematically sweeping them to complete the priority two lists. Using the priority plan has helped the Street Division to more efficiently organize this work.
- C. Public Comment on Non-Agenda items – Ethel MacDonald said she checked out Russell Street on the way to this meeting and she wanted to thank and commend Public Works. The bike lane is wide enough that she felt comfortable riding on it. She is hoping the bike and pedestrian symbols are still in the plan because without those symbols in the bike lane some cars will drive in it to pass or make turns and that presents a real danger, especially if the edge remains as drastic as it is.

II. CONSENT AGENDA ITEMS

1. Special state projects FY 11, additional project South Avenue: Bow Street through Higgins Ave, mill and pave. ([memo](#))—Regular Agenda (Brian Hensel) (Referred to committee: 04/11/11)(**REMOVE FROM AGENDA**)

Motion: The committee recommends the City Council approve and authorize the Mayor to sign Appendix C (Addendum 1) with the Montana Department of Transportation

Steve King, Public Works Director, said this is a contract amendment with the Montana Department of Transportation (MDT) to add the reconstruction work on South Avenue to the contract, to mill and pave a portion from Bow Street through Higgins Avenue. This is the minimum amount of work to be done and will most likely they will do additional work. The final costs will be for actual time and materials upon the completion of the project. We are requesting approval of the contract amendment in the amount of \$178,206.00.

Jon Wilkins made the motion the City Council approve and authorize the Mayor to sign Appendix C (Addendum 1) with the Montana Department of Transportation (MDT).

Bob Jaffe said going curb to curb would make sense by not leaving a seam on all the new work, by leaving an opening seam would result in poor long term maintenance.

Steve King, said next year the whole road would be chip sealed from curb to curb with the Pavement Preservation Project through Montana Department of Transportation (MDT).

Jon Wilkins asked if anything was going to be done to improve the bike lanes by bulb outs at Park and South Avenue.

Steve King said this is an opportunity to reevaluate the entire corridor for signing and striping. The striping would be redone to make a smoother edge line for the bike lane as it passes the bulb outs.

Public Comment:

Bob Wachtel, is a member of the Bike Ped Advisory Board and Bike Walk Alliance for Missoula, but today he is speaking for himself. He thanked the City for the resurfacing project. His concerns are the re-striping of the lanes after the resurfacing is completed because this section of South Avenue is on the current 2011 Epoxy Project List for bike lane epoxy painting. He understands chip sealing would be done in 2012 and is hoping there would be a change in the epoxy process if chip sealing would cover the epoxy paint. He is hoping the bike lanes would meet at least the minimum AASHTO standards of five feet. After measurements were performed it appears the desired six foot bike lanes could be accommodated next to parked cars in most places. He encourage the Public Works Department to comply and adhere with both the Complete Streets Resolution of 2009 and the amended Administrative Rule 415 so there can be a good, safe bicycle route in this major east west corridor.

Jon Wilkins asked Steve King if the epoxy painting would be done after the chip seal was completed and Steve said yes it would be done after the chip seal.

The motion was passed unanimously.

2. Resolution to confirm final order of curb and sidewalk improvements in the Slant Streets area Phase III Project 09-057. (memo)—Regular Agenda (Monte Sipe) (Referred to committee: 04/11/11)(REMOVE FROM AGENDA)

Motion:-The committee recommends the City Council adopt the resolution to confirm final ordering of curb and sidewalk improvements adjacent to properties in the Slant Streets Area Ph. III, Project 09-057.

3. Bid award for curb and sidewalk improvements project 09-057 Slant Streets Area Phase III. (memo)—Regular Agenda (Monte Sipe) (Referred to committee: 04/11/11)(REMOVE FROM AGENDA)

Recommended Motion:-The committee recommends the City Council award the bid for Project 09-057, Curb and Sidewalk Improvements adjacent to properties in the Slant Streets Area Ph. III to Knife River for the sum of \$186,169.97 and authorize return of bid bonds.

These two items were discussed and voted on together.

Monte Sipe, Construction Project Coordinator, said these two items pertain to the Slant Street Area, Phase III, curb and sidewalk improvements. The first one is a resolution to confirm the final order and the second a recommendation on the bid award.

The resolution was previously ordered on February 7, 2011, and immediately after that a letter was sent to the property owners notifying them the project had been ordered; the letter includes a reply

form that explains the various finance options available to the property owners and an option to elect to opt out of the project and hire their own contractor. Six of the properties owners have elected to hire their own contractor, these properties are identified in the attached Schedule I.

The second item is the recommendation for the bid award; the bids were opened on March 29, 2011. Six bids were received with Knife River being the low bidder, Public Works is recommending award of the project to them in the sum of \$186,169.97 and authorize the return of the bid bonds.

Pam Walzer said she noticed past engineering estimates were significantly higher than the low bids and now they are almost the same, she asked if this was because the bids are higher or are the engineering estimates being reduced.

Monte Sipe said the way they calculate the estimate is to use the cost of previous year's projects and in the last two years there have not been any specific curb and sidewalk projects. In the last several years the bids have been substantially lower and for this project those bid estimates were used.

Pam Walzer made the motion to recommend the City Council adopt the resolution to confirm the final order of the curb and sidewalk improvements in the Slant Streets Area Project, Phase III, Project 09-057; and award the bid to Knife River in the amount of \$186,169.97 with the return of the bid bonds on this project.

Bob Jaffe asked what the construction schedule was estimated to be, and were there any protests from the property owners.

Monte Sipe said the project would start in approximately one month and would take approximately two months to complete once the contractor is on site. Most of the discussions with the property owners were done in advance of the project and once the order was issued there haven't been any more objections.

Doug Harby said there are always some property owners that have issues and questions. There were a couple of property owners with some issues on Brooks Street but those were resolved and there have not been any other issues from the property owners.

Jon Wilkins asked if the Public Works Department had looked at the drainage problems for the handicap accesses.

Doug Harby said they have revised the standards for the handicap accesses, and if the drainage problems are caused by the asphalt paving, the contractors are responsible for replacing the asphalt if it is not falling into the curb correctly.

The motion to confirm the final order in the Slant Streets Area Project, Phase III, Project 09-057 was approved unanimously.

The motion to award the bid to Knife River for \$186,169.97 with the return of the bid bonds was approved unanimously.

4. Review construction bids for SID 548 – 5th/6th/Arthur/Maurice intersection safety circulation improvement project and award bid to lowest responsible bidder and authorize return of bid bonds. (memo)—Regular Agenda (Gregg Wood) (Referred to committee: 04/11/11)(REMOVE FROM AGENDA)

Motion:-The committee recommends the City Council approve and authorize the Mayor to sign a construction contract to award the Base Bid and Bid Alternate No. 1 for SID 548 - 5th / 6th / Arthur /

Maurice Intersection, Safety and Circulation Improvement Project to L. S. Jensen in the amount of \$696,176.45 and authorize return of bid bonds.

Gregg Wood, Project Development Coordinator, is requesting the committee recommend the City Council approve the construction contract to award the Base Bid and Bid Alternate No. 1 for SID 548 to L.S. Jensen in the amount of \$696,176.45 and return of the bid bonds. The creation of the SID was approved on October 19, 2009 and we are scheduled to start construction on May 16, 2011 with completion of the project before school starts in the fall. The costs of submitting a request to experiment, for using the green epoxy, to the Federal Highway Administration (FHWA) was anticipated and an amendment to WGM's contract for this additional cost will be submitted in approximately a week.

Pam Walzer said there is a significant difference in the bid engineering estimate in the Bid Alternative 2, for the concrete crosswalks from all vendors and this would exclude the idea of the colored pattern crosswalks. There is almost \$100,000.00 difference in cost and she would like some clarification on this.

Gregg Wood said currently the crosswalks are painted asphalt and it is a significant upgrade to go to the colored pattern crosswalks because these are precast panels. It was decided that this was not in the budget and it would have created a maintenance problem that the University was not supportive of.

Doug Harby said this project was unique because the streets are skewed with different angles so that each of these crosswalks would require a different form set and construction set for the precast panels. This would not allow for standardization of the panels and this caused the large increase in cost. We are still going to propose these panels in other projects where customized panes would not be needed.

Mark Bancale with WGM said there would be several improvements in this project for the pedestrian crossings such as each of the crosswalks will have pedestrian handicap ramps at all corners, push buttons, a new signal at 5th Street and Arthur to make pedestrian crossing safer, and the crossing distances would be reduced.

Pam Walzer made the motion to approve and authorize the Mayor to sign the construction contract and return the bid bonds.

Jerry Ballas representing the University, wanted to confirm that the University is committed to the SID 548 and said they have over a million dollars invested in this project. They wanted to thank the engineers, the City and the Montana Department of Transportation (MDT) for their efforts to keep the project on schedule so it could be constructed this summer, if there had been delays it would have jeopardized the whole project and maybe the funding. There have been positive public comments at some of the meetings and there has been overwhelming support from the general Missoula population that is aware of this project. He is asking for the committee's support.

The motion was passed unanimously.

III. REGULAR AGENDA

5. Update from the Parking Commission. (me mo)(Parking Fines) (Policy Review) (Ltr: Iowa) (Ltr: Hensley) (Draft Parking Ordinance)(MUTD Memo)—Regular Agenda (Bob Jaffe) (Referred to committee: 03/07/11) (HELD IN COMMITTEE)

Jason Wiener said he would like to structure the remaining time of the meeting to try to get to alternate scenarios for graduated parking fine structures. In order to set a Public Hearing for June 6th, we would need definitive ordinance language before the end of April. There are also technical amendments the Parking Commission would like to make to the Parking Ordinance. There is a draft ordinance on the Agenda posted on the web site.

Anne Guest, Director of the Missoula Parking Commission, said she would like to specifically address the parking fines proposal option 2. The City Council adopted the Downtown Master Plan in 2007, and one of their recommendations was to increase the parking fines, with a specific recommendation to have a tiered fine structure beginning with a \$2.00 fine. The Parking Commission Advisory committee discussed four basic options: a fines structure with an "oops" ticket, a tiered structure with a \$2.00 ticket, a tiered structure with a \$5.00 ticket, and a fine structure with a \$10.00 ticket. After yearlong discussions the recommended option was option 2, a tiered structure with a \$5.00 ticket. The goal of the proposal is to change behavior and to protect our revenue. One of the issues we are confronted with is cars parked in the on street parking with their lease lot hang tags in the window because they do not want to go to the parking lots and this is basically taking up two spaces, the lease lot space and the on street parking space. By changing the behavior the result would be fewer tickets being written and what the impact would be on the parking fines revenue is unknown. The Parking Commission is responsible for meeting the debt service of 7.5 million dollars in bonds for the new parking structure on Front and Pattee. The solution would be option two starting with a \$5.00 ticket that would help minimize the unknown impact on our revenue. She encouraged the council to support this option.

Dave Strohmaier wanted to clarify that the Parking Commission's final recommendation was not the original Downtown Master Plan recommendation.

Anne Guest said that was because the original recommendation was done prior to the economic impact of recent years, and prior to the 9.5 million dollar parking structure, and prior to the substantial decrease in revenue from the parking meters and fines. These were major factors that influenced the past years discussions and recommendations to protect our revenue.

Dave Strohmaier said he would be interested in seeing the bottom line revenue projection in either the original recommendation or the Parking Commissions current recommendation.

Anne Guest said there was no analysis because you cannot put a dollar amount on behavioral changes so we do not know what the impact to the revenue would be. She is recommending taking the most conservative approach.

Pam Walzer asked if everything were perfect how much money would we be generating from the parking meters and how many meters do we have with different rate structures.

Anne Guest said there are too many variables that we have no control over. We have three revenue streams. We have no control over how to predict fines and no control over parking meter revenues; we do have control over the parking lease revenue and we are at the maximum level the market is able to bear. There are 1100 meters with 150 meters being ten hour meters.

Public Comment:

Scott Sproull, owner of Hide and Sole passed out an [outline](#) to show some financial alternatives and the tiered parking meter fines. Out of 30,000 tickets it is approximately 600 people that are repeat offenders; it is the threat of a ticket that causes turnover in on street parking. Missoula generates approximately \$400,000.00 to \$500,000.00 per year in meter revenue. Why do we need a new tier fine structure when we currently have a tier fine structure that has not been implemented? The first ticket is \$2.00 and the second, third, etc. tickets received that day is supposed to be \$5.00, but the Parking Commission's expensive software package is not compatible with the hand held devices. Downtown employees are most of the habitual parking space abusers, it is important to separate customers from the habitual abusers. Most of the downtown business owners would like more parking enforcement officers. The new parking meter fine vote comes to three decisions: to adopt a tiered parking fine structure, whether to adopt a six or twelve month reset time (when fine structure starts over) and whether to adopt a free "oops" waiver. There are several ways for the Parking Commission to increase their revenue (see outline for specifics) by being more efficient and balanced with how the

workers are treated and charged versus how the customers are treated and charged. He supports the "oops" wavier with a tier fine structure and a six month reset.

Jim Galipeau, with JCES Accounting Firm, passed out a [Financial Recap](#) starting with 1991 showing the on street meter revenue, off street parking revenue, the ticket revenue, and the total revenue of those three sources. It also shows the Admin fees, the Parking Commissions employee costs, and the net income after these expenses. Along with the bonds the Parking Commission must be mindful of the revenue stream so they can get the best ratings. Downtown needs good parking. He will email the council a copy of the Financial Recap.

Todd Frank, owner of Trail Head, serves on Missoula Downtown Association (MDA) Board of Directors and is the Chair of the MDA Advocacy Group, and is on the Parking Commission. His consensus is we all want a plan to make everyone reasonably happy. As a business owner he said all parking is subsidized in some way including parking at the mall. We all want parking in front of our businesses and we are in favor of an increased rate if that rate encourages a turnover in the on street parking. His thirty two employees also need a place to park and he is asking that the Parking Commission find a legitimate place for employees to park.

Mike Nave is a resident and he shops downtown frequently. He has been on a Parking Commission in California and the merchants complaints were the same as those expressed in Missoula. In this town the fines were raised to \$5.00 in the 70's, there were no "oops" tickets, tiered structures or leased parking and there was no public back lashing caused by the increase. He did work in building parking structures, acquiring land for them and in financing them. Bond rating agencies look at your parking fine structure to determine if you have sufficient revenue to service the bonds and to determine your bond rate. The additional revenues option two would generate would pay for the service on the bonds that have been issued and he supports this option.

Matt Ellis, owner of the Missoula Osprey and the Uptown Diner, said he feels there is no doubt the tiered structure is what the majority of business owners want, either a reset of six or twelve months is ok too. His concern is the "oops" ticket because he feels it adds to the abuse of the on street parking, his businesses rely on customer turnover on the parking meters. He supports a tiered parking system.

Steve King said the Parking Commission is important and it is essential they have the financial resources and stability. He supports the Parking Commission's mission. Michael Tree of the Missoula Urban Transportation District was unable to be here today and requested that this letter ([MUTD Memo](#)) be read into the record.

Taylor Valliant owner of Noteworthy Paper and Press, said many of her clients spend two to three hours making selections and on a number of occasions her clients have received tickets and became upset, so she supports the "oops" ticket.

Steven Cord, manager of Butterfly and Herbs, expressed his support for the "oops" ticket because it is something that could be promoted as a positive change to downtown parking while we are announcing a change to our parking fine structure. It is an opportunity to get the information to those habitual violators. The Parking Commission should enforce the current tier system we already have, there needs to be enough enforcement of the current tier system or for the new tier system. Our main goal is to have the customers see this as a positive step. He encourages the lease parking and he would also like to see the ten hour meters are not in the core of the City. The Council approves the parking fine increases but does not approve the meter rate or parking structure increases but they do review them for any of the other boards that report to the Council.

Cyndie Winchell, Parking Enforcement Officer for twenty- three years said she is vehemently opposed to the "oops" ticket for the following reasons: every day you can see vehicles parked on the street with their lease tags hanging essentially taking up two spaces and they don't plug the meter because they

feel it is worth the \$2.00 ticket. There is no way to physically write second or third tickets because you are stopping at almost every car. She is asking the committee to approve option 2.

Ron Austin, member of the Parking Commission said it is important to remember that ninety per cent of the tickets are to people who get four or less tickets. He said the bonding in relationship to the current project on Front and Pattee is not the only structure, we have also been asked to find places to park on the east end around Orange Street or Main. We need to make sure we maintain our bond rating to ensure continued low rates. The \$5.00 initial ticket is the place to start and he agrees with the tier system.

Jason Wiener said some questions for the committee is do we revise the parking fine structure at all, and if so is it a tiered structure, the terms of the reset and if it is tiered what is the structure of the fines. He asked Scott Sproll if he had a specific number of tier fines he was asking for.

Scott Sproull said there were two recommendations, one was to start with an "oops" ticket then start with \$2.00, \$4.00 \$6.00, \$8.00, \$10.00 keeping it at low increments for those with a few tickets and then go to \$20.00, \$30.00 and \$40.00 for the higher end. The second recommendation was to start with an "oops" and then \$5.00, \$10.00, \$15.00, \$20.00 and if the commission wanted to increase it they could.

Renee Mitchell asked why the current tier system has not been enforced.

Anne Guest said their software does not allow the Meter Enforcement Officer to compute the escalation of multiple tickets within one day. There is the capability to compute six months or one year. There is nothing we have to do to make sure the escalation happens with the new parking fine structure.

Renee Mitchell asked how many ten hour parking meters there are; and what are the differences in the lease rates at the different locations. She said City and County employees can ride the bus for free.

Anne Guest said there are one hundred and fifty ten hour meters. They will be evaluating where those meters are located, if they are placed effectively. They might may be placed further out from the core of the city. The lease rate for the covered spaces in the parking structure is \$75.00 per month and \$35.00 per month for the open lots, we are at the top of the market lease rates.

Jason Wiener said the scope of this referral includes meter rates and lease rates and that information would give them a better understanding of where the Parking Commission sees itself in the next two years.

Cyndie Winchell said the Parking Enforcement Officers are aware of whom the repeat offenders are and they do continue to ticket them, they could have as many as six tickets. Those multiple tickets are normally placed in the same envelope. Each subsequent overtime ticket is either \$5.00 or \$10.00. If a car moves after the first ticket they cannot be given a second one.

Jon Wilkins asked if the Parking Commission still had a validation program that the business owners were billed for. He does not support the "oops" ticket because the business owners can supply those.

Anne Guest said they still have the program and right after Thanksgiving they implemented the first hour of parking for free in the parking structure, and with a validation coupon the second hour is free, and the third hour is fifty cents.

Ed Childers said he understands the need for revenue for parking structures and the need to get the repeat abusers off the street but what he does not see is the revenue projection model. You have told us that changes in fines would produce behavioral changes and there is no way to predict that, but

there has to be a revenue projection model that you use to at least be able to guesstimate some figures and he would like to see that, maybe even a spreadsheet.

Anne Guest said she did that in 2007 and even analyzing it, it still ended with hypothetical assumptions. That is why she is asking that the Parking Commission be allowed to make these changes so they would be able to analyze with real numbers.

Ed Childers said there are many variables that could change this and most of them do not affect what the amount of the fine is, he would like to see the model she used.

Jason Wiener said the tentative schedule he has is to have the referral for ordinance language on April 29th (if other alternatives than the parking fine changes are wanted then that language would need to be submitted by April 20th) setting the Public Hearing on May 9th for the actual Public Hearing on June 6th.

Bob Jaffe said he would like to include the jurisdictional boundaries and language related to residential parking districts. The methodology for estimating the cost of writing a parking ticket is significantly flawed and it needs to be more accurately calculated. Another issue is a meter violation with an overtime violation in a tiered system that is a potential problem because two laws are violated. The software will still not be able to handle a tiered system in one day. He will work on some language proposals to address those issues and a few options for different tiers.

Jason Wiener said attached to the agenda item is a draft parking ordinance that covers the questions Bob Jaffe was talking about. Jason may ask for two ordinances, one that handles the technical amendments and one that handles the changes to parking fines. Please email to council any alternative tiered parking fine structures you would like to have considered formally. Please call Public Works at 552-6345 for confirmation of the time for the May 4th meeting.

6. Bid award for asphalt repairs project 11-004: Mullan Road – Reserve to Broadway. ([memo](#))—Regular Agenda (Doug Harby) (Referred to committee: 04/11/11) **(HELD IN COMMITTEE)**

This item was not discussed.

IV. 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 amending Missoula Municipal Code Chapter 15.32 Entitled “Building Permits,” Providing for Low Voltage Permits. ([memo](#))—Regular Agenda (Don Verrue) (Referred to committee: 02/07/11)
8. Resolution stating its intention to consider the vacation of portions of Regent Street in the Homevale Addition, the intersection of Brooks and Stephens and the alley in Block 40 of the Union Addition. ([memo](#))—Regular Agenda (Jessica Miller) (Referred to committee: 03/28/11)

9. Consider amendments to Missoula Municipal Code 13.04, Sewer Regulations, related to gray water systems and connection upon property transfer. ([memo](#))—Regular Agenda (Steve King) (Referred to committee: 03/14/11)

VI. ADJOURNMENT

The meeting adjourned at 12:40PM

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