

PARKING ADVISORY BOARD

FEBRUARY 14, 2012 AGENDA

Meeting Date/Time/Location

FEBRUARY 14TH, 2012

4:00pm

CITY HALL CONFERENCE ROOM

PUBLIC COMMENT PERIOD

1.

REPORTS AND ACTION ITEMS

2. Approve minutes from January 2012 meeting
3. Monthly Report - January 2012
4. Financial Statements
5. Report on Parking Division Revenues and Expenses
6. Street Vending Policy discussion

OLD BUSINESS

7. Free Parking Trial
8. Anti-shuffling Ordinance
9. Site Development Code Changes
10. Park 4 sale

NEW BUSINESS

11. Downtown Alliance Report
12. Informational Items
13. Adjourn

**PARKING ADVISORY BOARD
MEETING MINUTES
January 10th, 2012**

Members Present:

Steve Bruggeman	Will Gilbert	Leticia Moore
Robert Carr	Drew Smith	

Members Absent:

Nick Blake (excused)	Don Olsen, Chairperson	Bruce Simon
Scot Godfrey		

Others Present:

Chris Mallow	Lori Dilworth	Shane Winden
Councilman Ronquillo	Bruce McCandless	

PUBLIC COMMENT: None

ELECTIONS :

Elections took place naming Don Olsen, Chairperson and Leticia Moore, Vice Chairperson

REPORTS AND ACTION ITEMS:

Approve minutes from November 2011 meeting:

Minutes were approved.

November 2011 Monthly Report:

Chris explained that Park 1 and Park 4 numbers were down because of the free parking trials. Before the free parking trial, companies would pay for part-time or temporary workers, instead of getting a monthly space, they would use the Park and Shop to be able to validate all day, so this number has decreased because of the number of employees parking transitioning from the Park and Shop program into the free spaces.

OLD BUSINESS:

Dehler Park

No discussion, leaving under old business

Free Parking Trial

Chris had nothing new to report, except that he had not received any more complaints and that the enforcement officers were still collecting data. The trial period will end March 1st, 2012 and Chris is hoping to have the data created with a map to cover all the data that has been compiled.

Shane Winden commented on positive feedback regarding the free parking. He talked to Terry McNeese, owner of Good Earth Market, the store was paying for their employees to park in all the extended meters and they are now saving on the average of 200.00 a month. He also commented on feedback from the employees of the downtown business how it is nice to be able to park a little closer and the fact that it is free is saving them money.

Chris pointed out in the garage summary, in Park 1 we lost an approximate total of 7 people due to the fact that they are going to try out the free meters, also the same at Park 4, we lost about 15 spaces people also moving to the free meters.

When the trial ends, the bags will still remain on the meters until the decision has been made regarding the next step. It is possible that the parking board will extend the trial period, but the City Council would be the ones to make the final decision.

Anti-Shuffling Ordinance

No discussion, leaving under old business

Site Development Code Changes

Chris informed the board that the Sub Committee and city staff are still compiling information.

Park 4 Sale

Chris informed that board that there was not much to report. Bruce is working to get the subject of the Park 4 sale on the City Council agenda.

NEW BUSINESS:

Downtown Alliance Report

Lisa Harmon talked about the selling of sponsorships for the upcoming events, along with selling spaces on the downtown map. They tried to make the map friendly by putting all the parking garages on there, the bike parking and the Sky Point skate park. This also includes a couple of paragraphs in regards to the parking garages, parking tokens and city owned surface lots. They have distributed about 25,000 out the communities and the surrounding areas. Lisa informed the group that Sue Ping will be in Sing a Pore for 2 weeks for her **sister's** wedding. The BID said that merchants of the downtown area had a record year. **Al's** Bootery had the best sales in the

65 years of being downtown.

Greg brought up that The Downtown Billings has concerns about the central business district and the definition on why we use the “at curb **space**.” The example was given that a food vendor purchased 2 meters bags and was taking 2 spaces to sell their food, is this acceptable use of the meter bag? After further discussion this topic will be put on next month agenda, so that the members everyone will have a chance to look it over and Chris will bring the Policy book to the next meeting. Leticia asked for Chris to scan and email the letter handed out by Greg, written be Soup and Such, so all PAB members would have a chance to read it.

Informational Items

Adjourn

The meeting was adjourned at 4:58 p.m.

Parking Division Garage Summary - January 2012

Garages (by garage)	Actual Spaces	Current Month	Prior Month	Variance % P/M	% Rented	Spaces Vacant	Maximum Capacity
Park I							
Roof	110	107	105	1.9%	97.3%	3	110
Non-Reserved	275	282	280	0.7%	102.5%	-7	330
Assigned	33	20	21	-4.8%	60.6%	13	33
Total	418	409	406	0.7%	97.8%	9	473
Park II							
Roof	151	148	149	-0.7%	98.0%	3	151
Assigned	68	59	58	1.7%	86.8%	9	68
Non-Reserved	386	471	467	0.9%	122.0%	-85	463
Total	605	678	674	0.6%	112.1%	-73	682
Park III							
Roof	61	66	63	4.8%	108.2%	-5	61
Non-Reserved	98	123	119	3.4%	125.5%	-25	118
Assigned	7	7	7	0.0%	100.0%	0	7
Total	166	196	189	3.7%	118.1%	-30	186
Park IV							
Roof	158	77	76	1.3%	48.7%	81	158
Non-Reserved	386	415	412	0.7%	107.5%	-29	463
Assigned	151	89	89	0.0%	58.9%	62	151
Total	695	581	577	0.7%	83.6%	114	772
Grand Total	1884	1864	1846	1.0%	98.9%	20	2,113
Lots							
Lot 27	28	28	28	0.0%	100.0%	0	28

Misc. Info.	Current Month	Current Month	Prior Month	Variance % P/M	Prior Year	Variance % P/Y
Cash Sales	Tickets	Cash				
Park I	270	\$820.75	207	30.4%	274	-1.5%
Park II	2568	\$4,350.25	3102	-17.2%	2375	8.1%
Park III	1928	\$2,930.75	2127	-9.4%	1778	8.4%
Park IV	203	\$575.75	112	81.3%	182	11.5%
Total	4969	\$8,677.50	5548	-10.4%	4609	7.8%

	Current Month	Prior Month	Variance % P/M
Park & Shop (total hours)			
Park I	108	159	-32.1%
Park II	2369	2622	-9.6%
Park III	1783	1843	-3.3%
Park IV	50	138	-63.8%
Total	4310	4762	-9.5%
Crowne Plaza (total validations)			
Park II	2906	2808	3.49%
Adult Ed (total hours)			
Park IV	53	24	120.8%
Tokens (green meters included)			
	1043	965	8.1%
Green Meter Tokens			
		38.5	at .16
		38.5	free



City of Billings
Parking Division
P.O. Box 1178
Billings, MT 59103-1178
Phone: (406) 657-8412 Fax: (406) 247-8608
Email: mallowc@ci.billings.mt.us

DATE: FEBRUARY 3, 2012
TO: PARKING ADVISORY BOARD
FROM: CHRIS MALLOW, PARKING SUPERVISOR
SUBJECT: PARKING ADVISORY BOARD DISCUSSION ABOUT CREATING A
STREET VENDING POLICY

Staff recommends adopting a street vending policy for the Central Business District as the requests for vending in the parking lane of downtown streets are expected to increase over the next several years.

Staff recommends adopting policy very similar to the vending policy used by the Parks and Recreation Department. (See below)

If approved, Staff will develop draft ordinance language and Permit form for use in the parking division and present to the Parking Advisory Board.

ARTICLE 19-400. VENDING IN PUBLIC PARKS AND RECREATION FACILITIES

Sec. 19-401. Definitions.

For the purposes of this article, the following definitions shall apply:

City administrator means the city administrator or his designee.

Stand means any group of tables, showcase, bench, rack, pushcart, wagon, or any other wheeled-vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the state department of motor vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.

Vendor means any person or business engaged in the selling, or offering for sale, of food, beverages, or other merchandise from his person or from a stand in allowed public parks and recreation facilities.

(Ord. No. 03-5254, § 1, 9-8-03)

Sec. 19-402. Concession permit required.

It is unlawful for any person or business to sell or offer for sale, any food, beverages or merchandise in any park or recreation facility within the city without first obtaining a permit for each vending location. Vending will only be allowed in certain public parks and recreation facilities as determined by the city administrator. Permits shall be issued only after approval of a vendor's application by the city administrator and after payment of a permit fee. The fee shall be sufficient to cover all direct and indirect costs and expenses of the city and shall be established from time to time by the city administrator and finally approved by city council resolution.

(Ord. No. 03-5254, § 1, 9-8-03)

Sec. 19-403. Exempt activities.

The following activities require park use permits and are exempt from the provisions of this article:

- (1) Youth sports organization.
- (2) Adult sports organizations.
- (3) Special events.

(Ord. No. 03-5254, § 1, 9-8-03)

Sec. 19-404. Application for permit.

The application for a concession permit to operate in a public park or recreation facility shall include, on a form prescribed by the city, the following information:

- (1) The name, home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending business or stand to be used in the operation of the vending business.
- (2) A description of the type of food, beverage, or merchandise to be sold.
- (3) A description and sketch to scale of the proposed specific location of the vending business.
- (4) A description and photograph or drawing of any stand to be used in the operation of the business, and the number of persons who will be continually attending the stand.
- (5) Proof of an insurance policy, issued by an insurance company licensed to do business in the state, in the amount of seven hundred and fifty thousand dollars (\$750,000.00) per claim and one and one-half million dollars (\$1,500,000.00) per occurrence as outlined in section 2-9-108, MCA, conditioned to hold the city harmless from any damage or injury whatsoever to any person or property of any description, however owned, by reason of the vendor's failure or neglect to conform with any provision of this article or other ordinance of the city and further protecting the vendor

and the city from all claims for damages to property and bodily injury, including death, which may arise from products liability and operations under or in connection with the permit. Such insurance policy shall name the city as an additional insured and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days advance written notice to the city. In addition, the vendor shall indemnify the city against any and all liability, loss or damage that the city may suffer as a result of claims, demands, costs or judgments resulting from the vendor's vending in city parks or recreation facilities.

(Ord. No. 03-5254, § 1, 9-8-03)

Sec. 19-405. Issuance of permit.

Not later than fifteen (15) days after the filing of a completed application for a concession permit, the applicant shall be notified by the city administrator of the decision on the issuance or denial of the permit. The city administrator shall consider fire hazards, traffic and vision obstructions, pedestrian movement, and other safety hazards, and shall consider the standards set forth in this article in determining whether to grant a permit. If the issuance of the permit is approved, the city administrator shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to appeal the denial of the permit to the city council as provided in section 19-409. A permit issued pursuant to this section is valid for a period of six (6) months from the date of issuance. The permit shall specify the location from which vending is permitted and shall only be valid for vending at that location.

(Ord. No. 03-5254, § 1, 9-8-03)

Sec. 19-406. Prohibited conduct.

No vendor shall:

- (1) Leave any stand unattended;
- (2) Store, park or leave any stand overnight in any park, facility or public land;
- (3) Sell food or beverages for immediate consumption unless he or she has available for public use his or her own or a public litter receptacle which is available for his or her patrons' use;
- (4) Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor;
- (5) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand;
- (6) Set up, maintain or permit the use of any table, crate, cart, rack, or any other device to increase the selling or display capacity of his or her stand, where such items have not been described in his or her application;
- (7) Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
- (8) Vend without the insurance coverage specified in section 19-404(5).

(Ord. No. 03-5254, § 1, 9-8-03)

Sec. 19-407. Signs.

No signs shall be permitted at any vending location except for non-illuminated signs that are attached to the stand and do not exceed nine (9) square feet in size. Only signs posting prices or identifying the name of the product or the name of the vendor are allowed.

(Ord. No. 03-5254, § 1, 9-8-03)

Sec. 19-408. Sales of a service, sports camp or instructional camp.

No person shall sell a service or organize a sports camp or instructional clinic in a city park without first obtaining a park use permit and sale of service permit. All applications for permits must be received at least fifteen (15) calendar days before the start of the event. A damage deposit of five hundred dollars (\$500.00) per event is required. The damage deposit or a pro-rata share will be refunded within ten (10) business days after the event if no damage occurred.

(Ord. No. 03-5254, § 1, 9-8-03)

Sec. 19-409. Denial, suspension and revocation.

(a) The city administrator may deny any application for a permit and may suspend or revoke the permit of any vendor for any of the following causes:

- (1) Fraud or misrepresentation contained in the application for the permit;
- (2) Fraud or misrepresentation made in the course of carrying on the business of vending;
- (3) Conduct of the licensed vendor in such manner as to create a public nuisance, or constitute a danger to the public welfare, morals, health and safety, including, but not limited to, fire hazards, safety hazards and obstructions to vision, traffic or pedestrian movement;
- (4) Failure to comply with the provisions of this article.
- (5) Failure to comply with all conditions of the permit.

(b) From the date of denial, suspension or revocation, the vendor shall have ten (10) days in which to submit a written notice appealing such denial, suspension or revocation to the city council. The city council shall hear and rule on the appeal no later than the second regularly scheduled meeting of the council following filing of the notice of appeal.

(Ord. No. 03-5254, § 1, 9-8-03)

ORDINANCE NO. 03-5254

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING SECTIONS TO BE NUMBERED 19-401 THROUGH 19-409 PROVIDING FOR VENDING BY PERMIT IN CERTAIN PARKS AND RECREATION FACILITIES; ESTABLISHING THE CONDITIONS FOR APPLICATION AND ISSUANCE OF PERMIT; AND REQUIRING A PERMIT FOR CERTAIN SPORTS CAMPS OR SERVICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That the Billings, Montana City Code be amended by adding Article 19-400 with sections to be numbered 19-401 through 19-408, to read as follows:

“ARTICLE 19-400. VENDING IN PUBLIC PARKS AND RECREATION FACILITIES

Sec. 19-401. Definitions.

For the purposes of this article, the following definitions shall apply:

City Administrator means the City Administrator or his designee.

Stand means any group of tables, showcase, bench, rack, pushcart, wagon, or any other wheeled-vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the state department of motor vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.

Vendor means any person or business engaged in the selling, or offering for sale, of food, beverages, or other merchandise from his person or from a stand in allowed public parks and recreation facilities.

Sec. 19-402. Concession Permit required.

It is unlawful for any person or business to sell or offer for sale, any food, beverages or merchandise in any park or recreation facility within the City without first obtaining a permit for each vending location. Vending will only be allowed in certain public parks and recreation facilities as determined by the City Administrator. Permits shall be issued only after approval of a vendor's application by the City Administrator and after payment of a permit fee. The fee shall be sufficient to cover all direct and indirect costs and expenses of the City

and shall be established from time to time by the City Administrator and finally approved by City Council resolution.

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The following activities require Park Use Permits and are exempt from the provisions of this article:

1. Youth sports organization.
2. Adult sports organizations.
3. Special events.

Sec. 19-404. Application for permit.

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1. The name, home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending business or stand to be used in the operation of the vending business.
2. A description of the type of food, beverage, or merchandise to be sold.
3. A description and sketch to scale of the proposed specific location of the vending business.
4. A description and photograph or drawing of any stand to be used in the operation of the business, and the number of persons who will be continually attending the stand.
5. Proof of an insurance policy, issued by an insurance company licensed to do business in the state, in the amount of seven hundred and fifty thousand dollars (\$750,000.00) per claim and one and one-half million dollars (\$1,500,000.00) per occurrence as outlined in Section 2-9-108, MCA, conditioned to hold the City harmless from any damage or injury whatsoever to any person or property of any description, however owned, by reason of the vendor's failure or neglect to conform with any provision of this article or other ordinance of the City and further protecting the vendor and the City from all claims for damages to property and bodily injury, including death, which may arise from products liability and operations under or in connection with the permit. Such insurance policy shall name the City as an additional insured and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days advance written notice to the City. In addition, the vendor shall indemnify the City against any and all liability, loss or damage that the City may suffer as a result of claims, demands, costs or judgments resulting from the vendor's vending in City parks or recreation facilities.

Sec. 19-405. Issuance of permit.

Not later than fifteen (15) days after the filing of a completed application for a Concession Permit, the applicant shall be notified by the City Administrator of the decision on the issuance or denial of the permit. The City Administrator shall consider fire hazards, traffic and vision obstructions, pedestrian movement, and other safety hazards, and shall consider the standards set forth in this Article in determining whether to grant a permit. If the issuance of the permit is approved, the City Administrator shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to appeal the denial of the permit to the City council as provided in section 19-409. A permit issued pursuant to this section is valid for a period of six (6) months from the date of issuance. The permit shall specify the location from which vending is permitted and shall only be valid for vending at that location.

Sec. 19-406. Prohibited conduct.

No vendor shall:

1. Leave any stand unattended;
2. Store, park or leave any stand overnight in any park, facility or public land;
3. Sell food or beverages for immediate consumption unless he or she has available for public use his or her own or a public litter receptacle which is available for his or her patrons' use;
4. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor;
5. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand;
6. Set up, maintain or permit the use of any table, crate, cart, rack, or any other device to increase the selling or display capacity of his or her stand, where such items have not been described in his or her application;
7. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
8. Vend without the insurance coverage specified in section 19-404(5) .

Sec. 19-407. Signs.

No signs shall be permitted at any vending location except for non-illuminated signs that are attached to the stand and do not exceed nine (9) square feet in size. Only signs posting prices or identifying the name of the product or the name of the vendor are allowed.

Sec. 19-408. Sales of a service, sports camp or instructional camp.

No person shall sell a service or organize a sports camp or instructional clinic in a City park without first obtaining a Park Use Permit and Sale of Service Permit. All applications for permits must be received at least fifteen (15) calendar days before the start of the event. A damage deposit of \$500 per event is required. The damage deposit or a pro-rata share will be refunded within 10 business days after the event if no damage occurred.

Sec. 19-409. Denial, suspension and revocation.

- A. The City Administrator may deny any application for a permit and may suspend or revoke the permit of any vendor for any of the following causes:
1. Fraud or misrepresentation contained in the application for the permit;
 2. Fraud or misrepresentation made in the course of carrying on the business of vending;
 3. Conduct of the licensed vendor in such manner as to create a public nuisance, or constitute a danger to the public welfare, morals, health and safety, including, but not limited to, fire hazards, safety hazards and obstructions to vision, traffic or pedestrian movement;
 4. Failure to comply with the provisions of this article.
 5. Failure to comply with all conditions of the permit.
- B. From the date of denial, suspension or revocation, the vendor shall have ten (10) days in which to submit a written notice appealing such denial, suspension or revocation to the City council. The City council shall hear and rule on the appeal no later than the second regularly scheduled meeting of the council following filing of the notice of appeal.”

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 25th day of August, 2003.



City of Billings

Parking Division

P.O. Box 1178

Billings, MT 59103-1178

Phone: (406) 657-8412 Fax: (406) 247-8608

Email: mallowc@ci.billings.mt.us

DATE: FEBRUARY 2, 2012
TO: PARKING ADVISORY BOARD
FROM: CHRIS MALLOW, PARKING SUPERVISOR
SUBJECT: REPORT ON PARKING DIVISION REVENUES AND EXPENSES

Staff received an email from Cathy Freehill, Vice President Capital One Public Funding LLC, regarding the debt service obligation the City has to Capital One for financing the Park 2 expansion. Ms. Freehill expressed concerns that the Parking Division's net revenues are not sufficient to pay the annual principal and interest on the debt obligation. The debt lease agreement has language that requires the Parking Division to charge rates for parking that will cover operation and maintenance expenses and yield net revenues sufficient to pay the Debt obligation.

Section 3.05. The City will prescribe, revise and collect, directly or through leases, agreements or licenses, and agrees to charge and maintain reasonable rates, fees, charges and rentals for all services, facilities and commodities furnished and made available by the Parking Operations sufficient, when combined with other available funds, to pay when due all expenses of the operation and maintenance of the Parking Operations and to produce Net Revenues sufficient to pay the Rent Payments.

Staff replied to Ms. Freehill and explained that the Parking Division is currently undergoing some re-organization with staffing levels and workload and these changes are expected to yield a positive net income. Staff also committed to beginning a parking rate increase in February, as well as a parking fine review. Staff has identified that the primary cause that led to these concerns is the increases in operational expenses and a stagnant rate revenues for over the past five years. Operational expenses average about \$300,000 over revenues.

Staff has also contacted Greg Krueger with the Downtown Billings Partnership to reacquire the \$590,000 that Parking Division used to purchase that land for the new parking garage.

Staff will prepared a Parking Rate Proposal and present it to the Parking Advisory Board at the March meeting, scheduled for March 13th, 2012.