I. Call To Order

II. Roll Call

PRESENTATIONS

1. Receive a Staff presentation and hold discussion regarding the Local Regulation of Vehicle Immobilization Devices (Boots) by private entities or individuals within the City Limits, and provide direction to Staff.

2. Receive a presentation and hold discussion regarding the City Hall Campus Redevelopment and development options, and provide direction to Staff.

EXECUTIVE SESSION

3. Executive Session in accordance with Section §551.087 of the Texas Government Code: Economic Development - to receive a briefing and deliberate regarding the potential offer of Economic Development Incentives to Project World Series; and in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to receive a briefing and deliberate regarding the Municipal Court Judges’ Contracts.

III. Adjournment.

POSTED ON TUESDAY, SEPTEMBER 11, 2018 AT 4:30PM

JAMIE LEE CASE, CITY CLERK

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov
AGENDA CAPTION:
Receive a Staff presentation and hold discussion regarding the Local Regulation of Vehicle Immobilization Devices (Boots) by private entities or individuals within the City Limits, and provide direction to Staff.
Meeting date: September 18, 2018

Department: Police Department

Amount & Source of Funding
Funds Required: N/A
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.
**Background Information:**
The objective of this item is to share information and discuss the City’s options for regulating the use of vehicle boots within the city limits in advance of such practices becoming commonplace within the city.

Another objective is to protect residents and visitors from unreasonable fees and practices related to the private use of vehicle boots.

The Staff presentation is attached for review.

**Council Committee, Board/Commission Action:**
Click or tap here to enter text.

**Alternatives:**
Click or tap here to enter text.

**Recommendation:**
Click or tap here to enter text.
Work Session

Receive a work session presentation and hold discussion regarding the local regulation of vehicle immobilization devices (boots) by private entities or individuals within the City limits.
Objective:

• To share information and discuss the City’s options for regulating the use of vehicle boots within the city limits in advance of such practices becoming commonplace within the city.
• To protect residents and visitors from unreasonable fees and practices related to the private use of vehicle boots.
Car boots:

- Not this type!
Car boots:

- But rather this type!
Current Conditions

- Only limited paid short-term lots currently exist
  - Guadalupe at Hutchison
  - Old Frost Bank lot on Guadalupe
- Currently, unauthorized vehicles may be towed
  - City Ordinance governs non-consent towing
Potential Concerns

• Parking pressure in the downtown area remains high

• A recent change to State law could allow excessive fees for boot application and removal if not locally regulated

• If no limits exist, predatory practices could become a concern
  – Excessive boot removal fees
  – Multiple boots per vehicle
  – Multiple fees per violation
Comparator City Information

- No exemplar information could be located in other cities that might guide our actions

- Austin, Galveston, and New Braunfels were all studied, and none have local control in place related to vehicle booting
Existing State Law

- Texas Occupations Code
  - 2308.2085 – Allows cities to regulate booting; regulations must incorporate 2308.257 and 2308.258
  
  - 2308.257 – Allows private parking facility owners to boot and provides procedural requirements
  
  - 2308.258 – Provides direction for boot removal when requested by vehicle owners
  
  - Copies provided
Options to Consider

• Limit fees based upon those currently found in our non-consent towing ordinance

• Prohibit booting altogether
  – Booting may be a less-intrusive option that towing

• Do nothing – continue to rely on towing only
Staff Recommendation

• Use our current fee caps for towing as a guide for booting fees
  – Current tow fees: $75 non-consent tow, $50 show-up fee
  – Set maximum boot removal fee at $50 – maximum one per instance & vehicle
  – Incorporate the requirements of TX Occupations Code Sec. 2308.257 and 2308.258
Questions and Discussion?
Sec. 2308.2085. LOCAL AUTHORITY REGULATION OF BOOTING ACTIVITIES. (a) A local authority may regulate, in areas in which the entity regulates parking or traffic, booting activities, including:

(1) operation of booting companies and operators that operate on a parking facility;
(2) any permit and sign requirements in connection with the booting of a vehicle; and
(3) fees that may be charged in connection with the booting of a vehicle.

(b) Regulations adopted under this section must:

(1) incorporate the requirements of Sections 2308.257 and 2308.258;
(2) include procedures for vehicle owners and operators to file a complaint with the local authority regarding a booting company or operator; and
(3) provide for the imposition of a penalty on a booting company or operator for a violation of Section 2308.258.

Sec. 2308.257. BOOTING OF UNAUTHORIZED VEHICLE. (a) A parking facility owner may, without the consent of the owner or operator of an unauthorized vehicle, cause a boot to be installed on the vehicle in the parking facility if signs that comply with Subchapter G prohibiting unauthorized vehicles are located on the parking facility at the time of the booting and for the preceding 24 hours and remain installed at the time of the booting.

(b) A boot operator that installs a boot on a vehicle must affix a conspicuous notice to the vehicle's front windshield or driver's side window stating:
(1) that the vehicle has been booted and damage may occur if the vehicle is moved;
(2) the date and time the boot was installed;
(3) the name, address, and telephone number of the booting company;
(4) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to arrange for removal of the boot;
(5) the amount of the fee for removal of the boot and any associated parking fees;
(6) notice of the right of a vehicle owner or vehicle operator to a hearing under Subchapter J; and
(7) in the manner prescribed by the local authority, notice of the procedure to file a complaint with the local authority for violation of this chapter by a boot operator.
(c) On removal of a boot, the boot operator shall provide a receipt to the vehicle owner or operator stating:
(1) the name of the person who removed the boot;
(2) the date and time the boot was removed;
(3) the name of the person to whom the vehicle was released;
(4) the amount of fees paid for removal of the boot and any associated parking fees; and
(5) the right of the vehicle owner or operator to a hearing under Subchapter J.
(d) The booting company shall maintain a copy of the receipt at its place of business for a period of three years. A peace officer has the right, on request, to inspect and copy the records to determine compliance with the requirements of this section.
(e) A booting company shall accept payment by an electronic check, debit card, or credit card for any fee or charge associated with the removal of a boot. A booting company may not collect a fee for any charge associated with the removal of a boot from a person who offers to pay the charge with an electronic check, debit card, or credit card form of payment that the booting company is not equipped to accept.
Sec. 2308.258. BOOT REMOVAL.  (a) A booting company responsible for the installation of a boot on a vehicle shall remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot.

(b) A booting company shall waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the company fails to have the boot removed within the time prescribed by Subsection (a).

(c) A booting company responsible for the installation of more than one boot on a vehicle may not charge a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.
AGENDA CAPTION:
Receive a presentation and hold discussion regarding the City Hall Campus Redevelopment and development options, and provide direction to Staff.
Meeting date: September 18, 2018

Department: City Manager's Office

Amount & Source of Funding
Funds Required: N/A
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
City Facilities
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.
Background Information:
The presentation that will be presented by Jacobs is attached.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
City Hall

Campus
Redevelopment
Work Session

18 September 2018
Today’s Discussion

- City Hall Campus Objectives
- Development Options
- What is Public Private Development
- How Does it Work
- Why is it used
- Pros and Cons
- Application to San Marcos
- Going Forward
City Hall Campus Objectives

- Develop long-term programmatic requirements for City Hall
- Relocate / consolidate Public and Community Services
- Determine strategies to capitalize on remaining City Hall site area for potential City and/or Private development
- Develop comprehensive plan to encompass City properties to activate area and create true identifiable “Gateway to the City”:
  - City Hall, Library, Recreation Center, and Park
Development Options

- **Technical Delivery:**
  - Develop a single City Hall building with potential overbuild to meet long term needs and/or for potential lease.
  - Consider comprehensive City Hall Campus development approach based on the creation of a Campus Master Plan

- **Delivery Models:**
  - City self-funds all
  - City self-funds none in favor of 3rd party engagements
  - City forms Public / Private cooperative partnerships
what is public private cooperation

- Cooperative arrangements between Public and Private entities typically used for infrastructure, buildings, and utilities development and operations

- Examples include:
  - Private maintenance and operations
  - Operation of public roads and highways
  - Privatization of utilities such as power and water
  - Government land lease for real estate development
What is Public Private Cooperation

- Toll Roads
- Government Office Building
- Central Utilities Plant
- Real Estate Development
How Does Public Private Cooperation Work

- Typical Structure
Approach

Phase 1
Development Verification

Notice to Proceed from City

Kickoff Meeting
Technical Verification
Preliminary Design
Delivery Strategy
Preliminary Packages
Schedule and Cost
Finalize Financial Structure

Phase 2
Development Implementation

Decision Support Package to City

Usage Agreement
Final Design and Construction
Establish Ownership & Operational Entity

Phase 3
Operations

Substantial Completion

Long-Term Operations & Maintenance
Retain or PV Asset Disposition

Funding
Why is Public Private Cooperation Used

- Time Efficiencies
- Cost Efficiencies
- Risk Mitigation
- Leverage Optimization
- Debt Capacity Preservation
Public Private Pros and Cons

**Pros:**
- Each does what is best
- Speed to market
- Lower total cost
- Overall increased ROI
- Risk management
- Broader leverage

**Cons:**
- Unfamiliarity
- Contractual complexities
- Reduced competitors
- Cost Vs Quality
- Agreement alignments
- Less total control
Consider City Hall Campus Revitalization:

- Create a City presence
- Provide necessary City government space as well as potential overbuild
- Create a gateway
- Connect properties
- Thoroughfare development
- Trail / River connectivity
Public Private Application in San Marcos

- **City Hall Site Development Example:**
  - Available Site: 14.75 acres
    - New City Hall: 5 acres
    - Long Term Expansion: 3 acres
  - **Developable Land:** 6.75 acres
    - 40% Site/Infrastructure: 2.75 acres
  - **Buildable Area:** 4 acres
  - 4 story at 85% use: 590,000 gsf
Next Steps

- Proceed with City Hall Campus Revitalization Master Plan:
  - Gateway from I-35 to Town Square
  - Connectivity to other City assets (Library/Rec/Park)
  - Coordination of transportation / trails
  - Activation of additional property not required for City Hall
  - Potential additional land acquisition
  - Leverage funds for infrastructure or other development
  - Validate optimum delivery models
Project Timeline

- Solicit Master Plan Services: October 2018
- Award Master Plan Services: December 2018
- Conduct Master Plan: Jan – August 2019
- Approve Master Plan: September 2019
- Solicit Public/Private Developer: October 2019

**Public & Community Services Relocation Complete**: February 2020
- Award Public Private Developer: February 2020
- New City Hall Complex Complete: Spring 2022

*Coordinate City Hall schedule with Public & Community Service Relocation*
Questions?

- David Syphard, Vice President, Alternative Strategies
- Chappell Jordan, Principal, Project Manager
AGENDA CAPTION:
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