



**PARKING ADVISORY BOARD RECOMMENDATION
RESOLUTION NO. 2021-01PAB**

**A RECOMMENDATION RESOLUTION OF THE PARKING ADVISORY BOARD TO THE CITY
MANAGER AND CITY COUNCIL REGARDING CIVIL PENALTIES FOR PARKING VIOLATIONS AND
THE MAILING OF CITATION LETTERS**

WHEREAS, the City of San Marcos Parking Advisory Board has conducted monthly meetings throughout 2021 and has observed from staff reports an increase in parking demand and violations following the relaxation of COVID-19 restrictions;

WHEREAS, Section 82.156 of Subpart A of the City's Code of Ordinances (the "City Code") states that it is "a rebuttable presumption that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged;"

WHEREAS, the City of San Marcos' vendor for issuing, processing, and collecting parking citations, NuPark, has informed the City that it has gained the ability to mail citations directly to the registered owner of a vehicle by conducting a lookup within the Texas Department of Motor Vehicles database for a nominal fee per citation of two dollars (\$2.00), herein referred to as the "Direct Mail Fee;"

WHEREAS, Section 82.159(b) of the City Code states that, "[a]ny penalty not paid within 15 days of the date due is subject to an additional fee of 50 per cent of the original penalty," hereinafter referred to as a "Late Fee;"

WHEREAS, Section 82.159(a) of the City Code sets the lowest minimum penalty for a called level one parking violation at \$20.00 and hence the minimum Late Fee for a parking violation is \$10.00, said amount being in excess of the \$2.00 Direct Mail fee;

WHEREAS, the total marginal increase in revenue for each late-paid citation precipitated by Direct Mail of unpaid parking citations would be at least \$28.00 and would increase the revenue available to the City to manage public parking;

WHEREAS, historically, the City of San Marcos has observed an extremely low collection rate on parking violation citations with the percentage of paid citations for the last normalized demand year of 2019 being only thirty four percent (34%);

WHEREAS, the City of San Marcos now offers online citation payment option through its vendor, NuPark, at the following URL: <https://sanmarcostx.nupark.com/portal/Citations>;

WHEREAS, the Parking Advisory Board expects the collection rate will be substantially increased with the Direct Mail including a clear link to the online option for payment and bolded notation of the additional consequences of unpaid parking citations, including immobilization and impoundment;

and;

WHEREAS, the Parking Advisory Board expects the increase in realized consequences for violating the City's parking regulations to result in increased compliance and more orderly management of the City's limited public parking resources and curb space;

NOW, THEREFORE, BE IT RESOLVED BY THE PARKING ADVISORY BOARD OF THE CITY OF SAN MARCOS, TEXAS:

Part 1. It is recommended that the City Manager immediately direct all related departments, including but not limited to, Municipal Court, Police and Finance, to dedicate the administrative and financial resources necessary to Direct Mail of all parking citations issued after January 1, 2022 that remain unpaid after fifteen (15) days.

Part 2. It is recommended that the Direct Mail include prominent links to the Online Payment option for parking citations and clearly state that penalties for unpaid citations include immobilization and impoundment of the violator's vehicle.

Part 3. It is recommended that the nominal administrative cost for Direct Mail be approved by the City Manager under her or his authority granted in Section 2.566 of the City Code to authorize "without further city council approval for all budgeted items not exceeding \$50,000.00;" her or his authority to authorize "change orders to city contracts involving increases or decreases of \$50,000.00 or less;" or through other source of funds or authority as the City Manager may otherwise deem appropriate.


Part 4. It is recommended City Manager direct all related departments to track the collected revenue from citations paid following Direct Mail to verify the self-funding and revenue accretive nature of the Direct Mail program over the next twelve (12) months.

Part 5. It is recommended that City Council be tendered a memo summarizing this Resolution and, in the absence of affirmative action by the City Manager under Parts 1 – 4 above, to request that City Council direct the implementation of the Direct Mail program as herein described.

PASSED AND ADOPTED on December 13, 2021

Attest:


Amy Cogdill
Staff Liaison


Carina Boston Pinales
Chair