

CITY COUNCIL MEETING

Tuesday, September 18, 2018

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 than 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?