

Prepared for City of New Braunfels, Texas

## Parking Management Consulting Task 1: Analysis of Existing Practices

March 5, 2023



**WALKER**  
CONSULTANTS

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# Executive Summary

Walker representatives agreed to analyze the current City of New Braunfels (City) enforcement and permit administration operations, which are split between several city departments, to include the New Braunfels Police Department, Code Compliance Division, Parks and Recreation Department, City Secretary, and Municipal Court. The content provided in the report that follows summarizes findings, key issues, and recommendations for improvements, including recommendations for civil versus criminal enforcement, permit issuance procedures, and other administrative improvements.

## Overview of Findings

The following summarizes an overview of findings and recommendations resulting from a review of current enforcement and administrative operations. To assist with the development of a parking management program, Walker recommends the City pursue the implementation of the following recommendations.



### Establish a Parking Department

A Parking Department model operates as a city department with a division manager or director and support staff. Under a general fund designation, the Parking Department should seek to be a self-supporting government fund solely for the purpose of operating and managing parking. Collection of permit revenues, fines, and forfeitures generated by the Parking Department should be deposited into an enterprise fund balance for the sole purpose of maintaining and operating parking.

Because the Parking Department is intended to be self-sufficient, an enterprise fund model shows a true accounting of parking finances and any subsidies paid to the model from the general fund. This promotes budget transparency, allowing the public to see the actual cost to provide and manage parking, and understand the rationale behind parking rates and rate increases. Well-structured general fund departments can retain revenue surplus and use these funds to issue bonds to invest back in the system. A self-funding capital program means parking does not have to compete with other city programs for capital funds or investment. This allows parking to invest in important infrastructure upgrades to the system that it may not otherwise be able to accomplish under a general fund subsidy model. Parking should still be a department of the City, which can lead to better integration of parking with land use and mobility plans than a parking authority, which is an independent entity.

Under a scenario with the City of New Braunfels, we recommend the Parking Department initially be the responsibility of the Assistant City Manager and his or her Director of Transportation and Capital Improvement departmental oversight to include, support services from Legal, Finance, Information Technology, Public Works, Planning and Development, and Communications. As the Parking Department budget expands in future fiscal years, we recommend the Department hire its own Director to lead the program. An eventual goal would suggest the Parking Department become an enterprise fund within the City charter.



## City Code – Chapter 126 Traffic and Vehicles

Under the Municipal Code of Ordinances for the City of New Braunfels, City staff will need to work with City Council to amend the code of ordinances to create a civil citation process. Such process would replace the current criminal misdemeanor notice of violation process and enable the City to impose penalties upon owners of licensed motor vehicles in the event of multiple unpaid parking fines remain unpaid for violating local parking ordinances. Like the current notice of violation process, the civil citation process would allow the defendant to undergo a review process to address their notice of parking violation, except that a civil citation process requires due process for the defendant to request an appeal hearing in the presence of a municipal court magistrate to effectively challenge the validity of the citation if the citation is not properly completed and digitally signed by the issuing officer. Civil parking citations are punishable by monetary fines and subsequent penalties, while an administrative notice of violation may not carry graduating penalties if fines remain unpaid.

In addition to the implementation of a civil parking citation process, the City should also develop a policy for immobilizing licensed vehicles for multiple unpaid parking citations and maintain that all vehicles in violation of the two-hour parking limits should be held to the same ordinance requirements, regardless of contractor vehicles servicing storefront businesses. In the case of the latter, we recommend the need to issue a right-of-way permit associated with a permit fee for use.



## License Plate Recognition Enforcement

To assist with the development of an efficient and cost-effective parking management program, we recommend the use of parking enforcement technology that will primarily use license plate recognition (LPR) to validate the status of a vehicle. The parking enforcement officer will be issued a handheld device in which the vehicle license plate can be scanned or manually entered. The device will have cellular data connectivity which will allow the license plate to be compared to the City Secretary permit system database as well as any added payment platform database (meters and/or mobile payment) to validate status within seconds. If the vehicle is valid, the officer will move on to the next vehicle, if not valid, the device will allow the officer to populate the citation information, take photos, and print the citation with a portable, Bluetooth enabled printer. The officer will place the citation on the vehicle windshield and move to the next vehicle.

In addition to a handheld device, a mobile LPR vehicle should be considered. This type of vehicle (typically a smaller fuel-efficient pick-up truck or sedan) will be equipped with LPR cameras and lighting which will allow the officer to patrol the parking areas more consistently and efficiently. As the vehicle drives through the enforcement area, the LPR cameras capture the images of the vehicle license plates, tire valve stems, and tire rims before translating the image to text or video files, and compares that data to the permit system database, payment platform database, and in the case of time-limited parking, previously captured vehicle images within seconds. Adding a single LPR camera equipped vehicle to the Parking Department budget could significantly reduce enforcement labor needs while providing more frequent coverage throughout Parking-by-Permit Areas and the Downtown District.

The use of a proposed permit and enforcement software solution will also allow the violator to pay online or submit an adjudication application request. With direction to a system website, through a link from the City website or direct access, the violator will be able to look up the citation record, pay via credit card or payment service, or dispute through allowed program methods. Photo evidence of violations provided to appellants online, may also reduce the number of appeals submitted or granted.



## Parking Enforcement Division

Parking enforcement activity in the City of New Braunfels is managed by multiple departments originating out of responsibilities associated with the River Activity District, the Downtown District, and neighborhood areas adjacent to each of these districts. To simplify enforcement practices and combine resources, Walker recommends creating a Parking Enforcement Division (PED) under the Parking Department. Officers of the PED would be responsible for enforcing all the designated parking enforcement areas to include the Parking-by-Permit Areas and the Downtown District. The PED assigned duties would be strictly limited to parking enforcement activity, while Police officers would continue to focus on public safety matters, Code Enforcement officers would focus on private property, and Park Rangers would maintain park oversight responsibilities. Citation revenues for the River Activity District would be collected and recorded separate from Parking-by-Permit Areas and the Downtown District in accordance with the River Management District program.



## ParkMobile Integration

To verify *ParkMobile* paid transactions, Park Rangers must access a separate *ParkMobile* enforcement platform ([dlweb.parkmobile.us](http://dlweb.parkmobile.us)) through their mobile phone internet browser and initiate a zone parking and license plate inquiry search. The *Tyler Technology* platform solution does not offer a parking technology-specific, back-office integration with *ParkMobile*. We recommend the pursuit of a back-office software integration to save time and labor when enforcing these types of paid transactions associated with the use of the license plate credential. The parking technology-specific software solution would also be capable of providing real-time status of scofflaw history to determine if additional enforcement measures would be required to address any outstanding notice of parking violations. Several parking technology-specific software platforms now offer vehicle lookup and skip tracing services to assist municipalities with citation filing and processing needs.



## Parking-by-Permit Database Integration

Elimination of physical parking permits with the use of the vehicle license plate as the standardized parking credential will enhance the overall resident customer service experience. Providing an on-line application solution for residents to secure residential parking permits, visitor parking permits, and temporary daily permits will expedite the application process and reduce the wait times to receive a physical permit by office visit.

Residents without the means toward self-managing their account through an online software solution will be afforded an opportunity to visit the City Secretary office during business hours to obtain their parking credential permissions. Like the current application process, the City Secretary office will need to manually manage the process for this exception. Additionally, the elimination of the physical parking permits reduces annual operating costs for permit purchase, inventory, and distribution efforts.

We recommend the Parking Department be responsible for implementing a permit management software solution that interfaces with City Secretary office Parking-by-Permit database and the license plate enforcement technology. Pursuit of this software solution should remain an initial focus of the Parking Department during the initial period of integration with the City Secretary office.



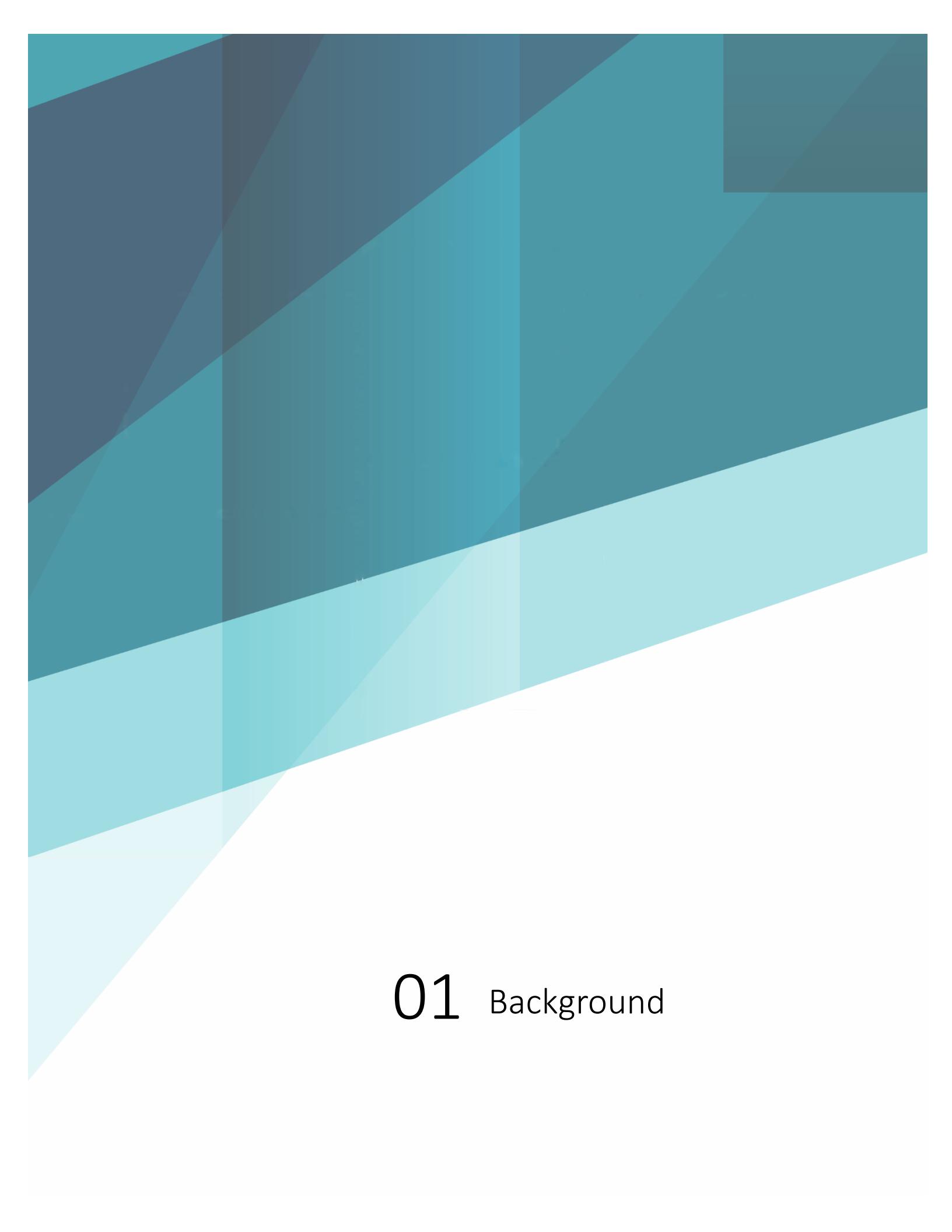
## Tyler Technologies/Municipal Justice Integration

The Municipal Court's use of *Tyler Technologies/Municipal Justice* software platform to manage case load and violation status suggests a need to integrate a parking enforcement and permit management solution which will interface with Municipal Court records. To meet this objective, we recommend the pursuit of a parking industry specific software platform which incorporates these features in a manner that separates the reliance on the *Municipal Justice* software platform to manage the day-to-day activity. The ability to pull *ParkMobile* records, Parking-by-Permit records, and other parking regulatory violations under a single solutions provider, will enable the Parking Department to function more efficiently without having to rely upon multiple service providers such as *Tyler Technologies Mobile Enforcement* (powered by Brazos) and *ParkMobile*.



## Regulatory Signs and Pavement Markings

During Walker's site visit and tour of the parking regulatory districts, pavement markings were observed in the two-hour, time-limited parking areas specific to the Downtown District. The pavement markings were outlined in dark green, making it difficult to notice when pulling into a marked parking stall. In several cases, the white colored stenciling was difficult to see because of discoloring affects caused by roadway and parking extensive wear and use. We recommend a discontinuation of pavement marking practice and adding regulatory instructions to right-of-way signs posts to meet standards outlined in the *Texas Manual on Uniform Traffic Control Devices* (TMUTCD) for permissive parking regulations.



# 01 Background

# 01 Background

The City of New Braunfels is seeking a plan to stand-up and operate an improved parking enforcement department/division. To meet this objective, Walker has provided a narrative report outlining recommendations for a parking enforcement system that will be used to specify hardware and software details, technical specs, and estimates of purchase costs. Currently, the City's enforcement and permit administration operations are split between several city departments. These include: the New Braunfels Police Department, Code Enforcement Division (part of Planning and Development Services Department), Parks and Recreation Department, City Secretary, and Municipal Court.

A limited-focus area paid parking program uses *ParkMobile* for payment collection for parking fees. Enforcement of paid parking is done by the City's Parks and Recreation Department Rangers using a manual, spreadsheet-based process. Time-limited parking is enforced manually by the City's Code Enforcement Division in much of the same manner as the Parks and Recreation Department. Residential parking by permit only zones are administered (permits issued) by the City Secretary office and enforcement duties are performed by the New Braunfels Police Department.

The plan recommends a viable technological solution to reduce the time needed to enforce and provide notice of violations for paid, time-restricted, and permitted parking. The plan's technology recommendation will be compatible with the City's municipal court software to ensure effective processing of violations. The suggested program will be able to integrate these enforcement systems with the Municipal Court's current administrative and violation module in Incode Version 9.

The following narrative addresses the recommended enforcement system's capabilities to meet the following desired system functionalities:

**Enforcement.** Enforcement technology must allow for ease of use on handheld devices and/or vehicle mounted devices. The software should communicate regularly with a mobile app and permit database to ensure all information is up to date for paid parking areas, resident parking passes, and parking by permit only areas.

**Permit Administration.** The City seeks to move from paper permits to a digital registration system for resident parking passes and residential parking by permit only areas. The ideal solution would allow for convenient permit management for current permit holders, renewal notices, online applications and payments, and limited staff interventions to keep the permit database up to date. Enforcement efforts can also be assisted with a visual cue (placard, sticker, etc.) placed somewhere on the vehicle, but this is not a requirement. The solution should allow reasonable users to update the license plate information on a resident parking pass or residential parking permit conveniently from a mobile device or desktop platform.

**User Interface.** Software should have an intuitive, well-designed user interface (UI) for City administrative use and external customers. The UI must have accessibility features as required by the Americans with Disabilities Act. The UI must be compatible with both desktop and mobile operating systems. City staff should easily be able to make edits to documents such as renewal notices and other communications without the need for additional software expansion packs or payment.

**Data Reporting.** High quality data is essential for the City to make informed decisions about parking operations and regulations. The software provided needs to have the capability to provide reports including, but not limited to, transaction reports, citation volumes and locations of violation and offender (interoperability with Geographic Information Systems), permit usage, and occupancy and turn-over rates.

**Exclusions.** This request excludes parking inventory/usage analysis or evaluations of the City's existing parking zones, limits, regulations, or fees. This request is limited to development of an administrative process and recommendations of enforcement technology to manage the existing parking supply under the existing regulatory setting.

**Technology Integration Requirements.** Any recommended technology must integrate with the City's existing paid parking management system (*ParkMobile*) and other current technology, including:

- Municipal Court, Incode Version 9
- New Braunfels Police Department, Spillman Flex
- Planning and Development Services, CityWorks

## Objectives

The City of New Braunfels recognizes the importance of providing quality parking services to its businesses, employees, residents, and visitors, as well as addressing its future economic development and growth. As part of this planning effort, the City seeks to develop a turn-key solution to improve end-user experience and allow customers to apply for parking permits, pay for parking violations where and when appropriate, and ease enforcement with technological enhancements and software system integration.

The City's overall objective may be defined in accordance with the following central tenets.

1. Develop a user-friendly, permit and enforcement system that can be implemented for off-street parking lots as well as on-street parking spaces in the rights of way.
2. Develop a solution which will streamline the process of current enforcement and administration practices, reduces labor hours needed for enforcement, and provide technological improvements.
3. Recommend a system or systems that allow city staff to effectively manage the administration and enforcement of time-restricted, paid, and resident-only permit parking in the Downtown area, applicable neighborhoods, and possibly the City's Parks and Recreation lots servicing river tourism.
4. Develop a technology solution that is compatible with the City's municipal court and other departments' software to ensure effective processing of violations.
5. Factor the integration with the current *ParkMobile* system for payment collection of parking fees and enforcement of paid parking, to include additional needs for time-limited parking and residential parking by permit zones.

## Site Visit Meeting

Walker representatives met with City of New Braunfels staff on the afternoon of Monday, October 17<sup>th</sup> at New Braunfels City Hall offices located at 550 Landa Street. New Braunfels staff in attendance represented the following departments and services:

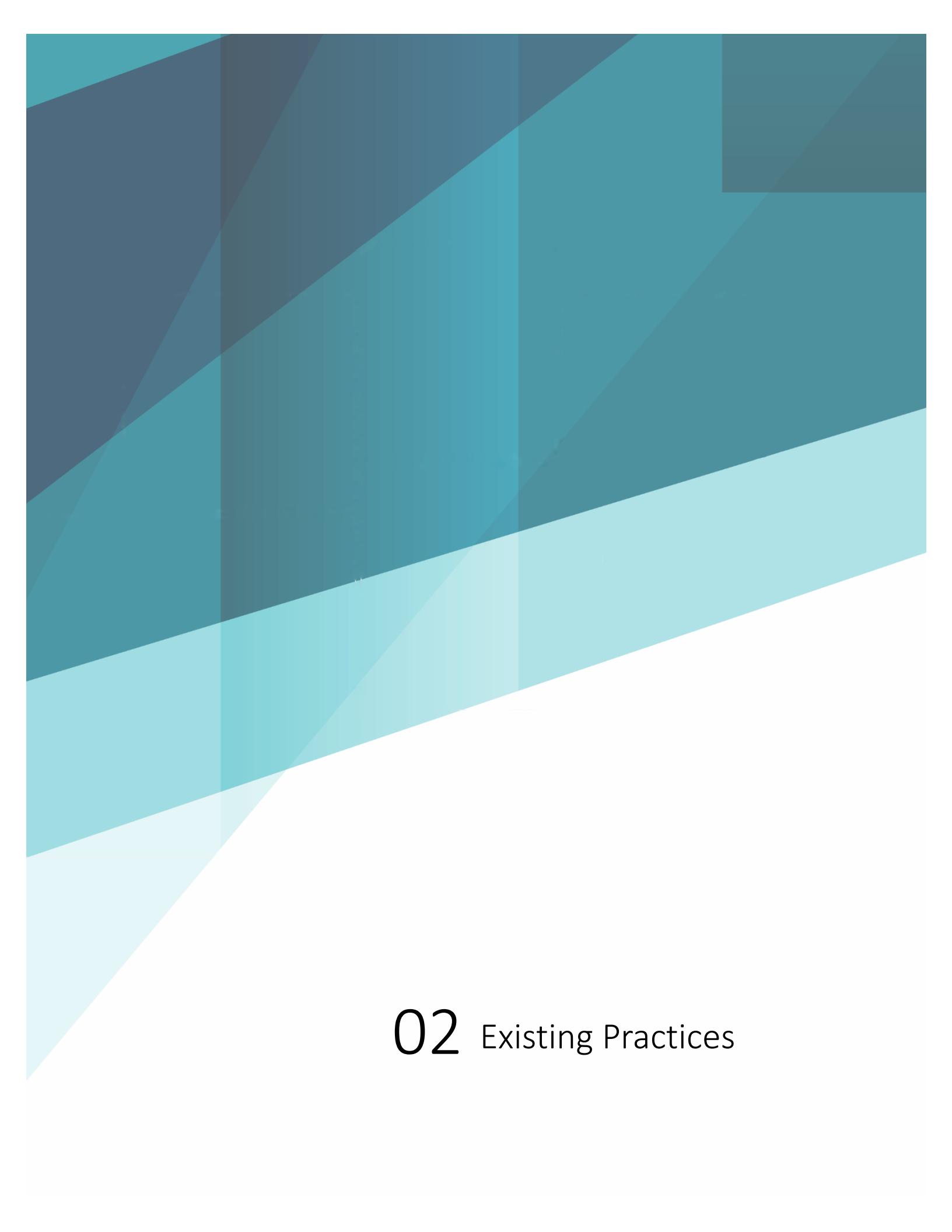
- New Braunfels Police Department
- City Attorney's office
- Economic and Community Development
- Parks and Recreation
- Municipal Courts
- Public Works
- City Secretary
- Civic and Convention Center
- Planning and Development Services – Code Compliance

During the meeting each department provided a high-level summary of their policies and procedures associated with their departmental enforcement roles, to include administration of parking in city permitted, paid, and time-limited areas within the city. Walker representatives were able to interact with staff representatives, seeking additional explanation of policies, procedures, and technology resources. In total, approximately 150 sworn police officers are certified to issue a notice of parking violation, five (5) park rangers are certified to issue a notice of parking violation, and as many as five (5) code compliance officers are certified to issue a notice of parking violation. The grouping of ordinances which govern parking enforcement and permit administration practice within the City of New Braunfels may be found in the City's charter under *Chapter 126 – Traffic and Vehicles*.

The practice of issuing a notice of parking violation adheres to a criminal misdemeanor process whereby a notice of violation is issued to a violator of a parking ordinance instead of a civil or administration citation. Penalties associated with a notice of parking violation vary upon level or number of offenses. Generally, for notice of parking violations issued in the two-hour Downtown Zone, a warning is issued for the first offense, a fine not to exceed \$50 for the second offense plus court costs, a fine not to exceed \$200 for the third offense plus court costs, and a fine not to exceed \$500 for the fourth offense and any subsequent offenses plus court costs. Any person found in violation of any additional provision of Chapter 126, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding \$200.

The City Secretary office holds the responsibility for administering Specialty Parking Permits for use in designated single-family residential or commercial areas. An application process is required to request the addition of a new parking by permit area. The request is then processed in accordance with the provisions of Section 126-354 of the City of New Braunfels Code of Ordinances. The application requires a petition to include a statement signed by two-thirds of all single-family homes or commercial businesses located within the designated permit area. This information is then used to determine if the area qualifies as a designated permit parking area. A link to the current parking by permit map may be accessed through the City's departmental website under the City Secretary office webpage. Residents located in parking by permit areas are entitled to two (2) parking permits at no charge. Residents may purchase up to two (2) additional parking permits for \$3.00 each. Residents located in parking by permit areas may obtain Temporary Daily Parking Permits with the approval of the City Secretary. Separate Resident River Passes are administered through the Parks and Recreation Department. These passes enable residents to park free of additional River Management Fees when accessing the pay-to-park areas.

The following section of this report has been provided to detail a review of the existing practices and stakeholder input.



## 02 Existing Practices

## 02 Existing Practices

The following details a review of each of the City's departments responsible for parking enforcement and parking permit administration. To assist with an understanding of this process, we have provided our review comments by individual department findings. Individual departments include Planning and Development Services – Code Compliance, City Secretary, Municipal Courts, New Braunfels Police Department, and Parks and Recreation.

### Planning and Development Services Code Compliance

Under Neighborhood Services of the Planning and Development Service Department, Code Compliance Division officers have the responsibility of enforcing the two-hour posted time limits in the Downtown Parking Zone.

Section 126-355 states that no person shall park any motor vehicle on any street in the Downtown Parking Zone for more than two consecutive hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, without displaying a temporary visitor parking permit. Any vehicle parked for more than two consecutive hours in the Downtown Parking Zone during times when parking is restricted will receive a notice of parking violation in accordance with the fine schedule detailed in the *01 Background* section of this report. The counting and tracking of repeat offenses commence each year on January 1<sup>st</sup> and end on December 31<sup>st</sup> of the same calendar year. Offenses committed in prior calendar years are not counted in determining the level of penalty applied for offenses committed in subsequent calendar years.

Exemptions to this policy include motor vehicles which are used to carry equipment or goods necessary for making improvements and repairs, providing actual labor, and performing other related services at any location within the Downtown Parking Zone, not including actual employees of the business.

The Downtown Parking Zone consists of the area comprised of the following public streets:

- Main Plaza (except for the Comal County Courthouse)
- Seguin Avenue from Mill Street to Coll Street
- San Antonio Street from Gilbert Street to Academy Avenue (except for the Comal County Courthouse)
- Castell Avenue from Mill Street to Coll Street
- The south/west side of Market Street from E. Mill Street to E. San Antonio Street

### Organizational Structure and Coverage

The Code Compliance Division provides a budgeted team of five (5) code enforcement officers assigned to covering all code enforcement responsibilities across the City. Parking enforcement coverage of the Downtown Parking Zone is generally provided three days per week on Mondays, Wednesdays, and Fridays. Within each of the three days, "enforcement walks" are provided at 11:00 a.m. and 2:00 p.m. each day. Two officers cover the morning enforcement walk and generally two different officers provide the afternoon walk as available staffing resources allow. At times, consistent enforcement walk coverage may be compromised depending upon staff call-offs due to illness, scheduled leave of absences, and approved time off for personal use.

## Existing Practice

Parking activity is recorded during the first enforcement walk of the day using a manual spreadsheet to write down vehicle license plate and time of day by prescribed alphabetical and numerical subzones (grid location) within the larger Downtown Parking Zone. The same spreadsheet is then used by the afternoon enforcement officer to check if a vehicle remains parked in the subzone area. During the peak season months of May through September, a third enforcement walk is added to the process, enabling a more efficient review of vehicles parked more than the two-hour time limits. Parking enforcement is not provided when extreme weather conditions (35 degrees or below and 100 degrees and above) create a hardship for the employees to perform their field duties.

When a notice of parking violation has been discovered, the code enforcement officer uses a triple carbon paper form to manually fill out and issue the notice. The original white copy is placed under the vehicle windshield, the yellow copy is set aside for court records, and the pink copy is retained for code enforcement records. The notice of violation also doubles as a notice to appear before municipal court to enter a plea to the violation charged by the notice. The officer must manually fill out a date for the violator to appear. If the violator does not contact the court by the initial appearance (IA) date provided on the bottom of the notice of violation, then a separate notice is mailed for a hearing. The fine amount is not shown on the original notice of parking violation.

The notice of parking violation includes data entry sections for the violation offense, vehicle ownership personal information, and vehicle information. Upon issuance, only the date, location and vehicle information are filled out. The remaining sections are completed upon checking the code enforcement records database (in the case of the violation offense) and upon using a third-party subscription with *Quick VTR* to look up vehicle ownership information. It is unclear how the officer would know which level of offense the violator would occur while issuing the manual violation in the field. *Quick VTR* is a modern cloud application that allows for accessing Texas motor vehicle title and registration records. It was shared that the Division pays \$24.95 per month for the ability to look up 50 records per month. Completed copies of each notice of violation are then hand delivered to the Municipal Court.

## Parks and Recreation

The Comal and Guadalupe Rivers represent significant assets for the City of New Braunfels, requiring protection of their natural and environmental features while offering activities to visitors. River activities staff work to maintain the sustainability of the rivers as a long-term renewable natural resource while ensuring that citizens and tourists have a positive river activities experience. Specifically, Park Rangers of the Parks and Recreation Department are assigned to enforcing paid parking areas associated with the Special Revenue Funds of the River Activities District (also referenced as the River Management District). Paid parking fees collected and parking violation fine amounts received in the River Activities District are uniquely set aside to help fund the maintenance of the rivers while supporting annual tourism activity. According to the FY 2022 proposed River Activities Fund budget, revenues are projected to meet the following budgeted amounts:

Fines and Forfeitures	\$90,000
Paid Parking Revenues	\$475,000

Notice of parking violations and paid parking revenues may be accounted for within the following surface and street parking areas:

Prince Solms Lot	100 Liebscher Drive – 176 spaces
Elizabeth Lot	155 Elizabeth Avenue – 168 spaces (Paid parking weekends and holidays only)
Hinman Island Lots	Hinman Island Drive – 33 spaces
East San Antonio Lot	East San Antonio Street – 7 spaces
East Mill Lot	East Mill Street – 14 spaces

Paid parking fees for these surface and street parking areas range from \$10 to \$30 per parking session and are generally not regulated by duration of stay or time limit. Payment of parking fees in these locations are largely supported using a *ParkMobile* pay-by-cell phone application, requiring users to download the mobile payment application to their personal cell phone and add a credit card payment option to the mobile app.

## Existing Practice

Prior to November 4, 2022, Park Rangers responsible for enforcing paid parking regulations were using a similar manual notice of parking violation process to issue parking violations. Staff reported issuing as many as 4,000 parking violations over the most recent 4-month River District activity period. Like the Code Compliance Division, staff would be required to lookup vehicle ownership information to assist Municipal Courts with filing and adjudication procedures. The seasonal high volume created challenges for staff to respond to the timeliness of online payment and adjudication inquiries in the absence of having immediate electronic records available in the *Municipal Justice* software platform.

As reported by the Park Ranger Superintendent during this analysis, Park Rangers now use the same enforcement technology as the New Braunfels Police Department. Use of an *iPhone 11* with an internet web browser that allows real-time communication with the *Enforcement Mobile* software platform powered by *Brazos* of the *Tyler Technologies Incode Version 9* software solution used by Municipal Courts. Notice of violations are issued using a *Bluetooth Zebra* brand printer attached at the Rangers beltline. Provided that license plate information is recorded and entered correctly, the time required of the vehicle lookup process is significantly reduced because of an automated electronic interface process. Staff is still required to review exception cases.

To verify *ParkMobile* paid transactions, Park Rangers must access a separate *ParkMobile* enforcement platform ([dlweb.parkmobile.us](http://dlweb.parkmobile.us)) through their mobile phone internet browser and initiate a zone parking and license plate inquiry search. The *Tyler Technology* platform solution does not offer a parking technology-specific, back-office integration with *ParkMobile*. Ideally, a back-office software integration would be preferred to save time and labor when enforcing these types of paid transactions associated with the use of the license plate credential. The parking technology-specific software solution would also be capable of providing real-time status of scofflaw history to determine if additional enforcement measures would be required to address any outstanding notice of parking violations.

## New Braunfels Police Department

Under historical practice, the New Braunfels Police Department does not enforce paid parking or time-limited parking in the City of New Braunfels. As previously shared, this activity is currently enforced by the Parks and Recreation Department and the Code Compliance Division. Among other public safety responsibilities, New Braunfels' 150 sworn police officers are assigned "rover" positions to enforce city-permitted parking violations that are on or near the River Activity Districts during the River Activity District peak season. Leading up to this analysis, it was shared by the Chief of Police, due to the reduction in officers working the River Activity District duties during the last two seasons, enforcement of city-permitted areas has been assigned a lower priority. It was also noted that some proactive enforcement still occurs from the Patrol and Traffic Division, however these violations are not assigned any level of priority.

### Existing Practice

Like the Park Rangers, sworn police officers are using an *iPhone 11* with an internet web browser that allows real-time communication with the *Enforcement Mobile* software platform powered by *Brazos of the Tyler Technologies Incode Version 9* software solution to interface with the Municipal Courts platform. Notice of violations for violations issued in city-permitted areas are issued using a *Bluetooth Zebra* brand printer. Provided that license plate information is recorded and entered correctly, the time required of the vehicle lookup process is significantly reduced because of an automated electronic interface process.

## City Secretary

The City Secretary office has the responsibility of administering the Parking-by-Permit program within the city limits. Section 126-354 of the New Braunfels Code of Ordinances designates a permit area as a contiguous area of a single-family residential or commercial use containing not less than ten commercial or single-family residential lots, upon which the city council imposes a parking permit per this policy. Except, where there are less than ten commercial or single-family residential lots on the entire length of the street, then the entire length of the street may be considered.

The Parking-by-Permit program provides fourteen (14) designated permit areas as defined in the Code of Ordinances. As shared in the *01 Background* section of this report, a link to the Parking-by-Permit map may be accessed through the City's departmental website under the City Secretary office webpage. Hours of operation, to include days of week and months of year, vary by designated area because of the location of each residential and commercial area to high demand activity centers.

### Existing Practice

Residents with single-family households located in a designated Parking-by-Permit area may apply for receipt of two (2) free parking permits by downloading an application from the City Secretary office webpage and submitting the form online or visiting the City Secretary office during business hours. Up to two (2) additional residential permits may be requested for an additional fee of \$3.00 per each permit. A 24-hour Temporary Daily Parking Permit may also be applied for when additional visitor parking may be needed. A \$5.00 refundable fee will

be charged for each Temporary Daily Parking Permit, up to a limit of ten (10). Payment for permit fees may be accepted over the phone or paid in person at the City Secretary office. Regardless, a resident must visit the City Secretary office to pick up all permits and return each Temporary Daily Parking Permit by the prescribed deadline. Permits not returned to the City Secretary office on time will not be eligible for refund.

If a residence does not qualify for a Parking-by-Permit area, a single-family household may download and complete a request for Parking-by-Permit area application. The application requires:

- A description of map of the proposed blocks of the designated permit area, an identification of any non-residential properties located within the proposed designated permit area, such as churches, schools, public facilities, or commercial establishments.
- A statement of the proposed parking restrictions desired by the applicants, including days of the week, times of the day, and the length of time for the parking restriction,
- The address of each residential lot within the proposed designated permit area and to the extent such information is available to the applicants, the name(s) of the occupant(s) of each single-family residential home.
- A petition signed by two-thirds of all single-family homes located within the designated permit area to determine if the area qualifies as a designated permit parking area.

All applications are then submitted to the City's Engineering Division for review. The City Engineer will review all applications submitted for a proposed designated parking permit area and determine the following if the proposed designated parking area is a contiguous commercial or residential use and consists of a minimum of ten commercial or residential lots, except where there are less than ten commercial or single-family lots on the entire length of the street, then the entire length of the street may be considered.

A public hearing on the application will then be conducted by City Council. Notice of the public hearing shall be mailed not less than ten days prior the scheduled date of the hearing to all persons listed in the petition as being an occupant of each of the single-family homes within the permit area and to any other persons who may not be listed in the petition but are shown on the latest tax roll as owning property within a minimum 300-foot radius of the proposed designated permit area.

Council may approve, reject, or modify the proposed designated permit area in any manner the Council deems appropriate, except that the area shall not be expanded but may be reduced by excluding certain properties if the remaining properties remain contiguous to each other. Council will approve the designated Parking-by-Permit area by adopting an ordinance, which shall describe each street within the area and the specific restrictions applicable to the area.

## Municipal Court

Under Section 42-26 *Jurisdiction* of the New Braunfels Code of Ordinances, the Municipal Court has exclusive original jurisdiction within the territorial limits of the City in all criminal cases that arise under the ordinances of the City; and are punishable only by a fine not to exceed two thousand dollars (\$2,000.00) in all cases arising under city ordinances that govern fire safety, zoning, or public health and sanitation, including dumping of refuse; or five hundred dollars in all other cases. Notice of parking violations are classified as a misdemeanor offense under a criminal citation process in the City of New Braunfels. Under a criminal citation process, fines may be

levied against the operator of a vehicle and filed under the registered owner associated with the vehicle license plate. Failure to pay parking violation fines in accordance with a predetermined citation payment schedule may subject the vehicle owner to advanced penalties, including parking privilege revocation, vehicle immobilization, and impoundment.<sup>1</sup>

Adjudication of Parking Notice of Violations are handled by Municipal Courts. To address a Parking Notice of Violation, the defendant must email the Municipal Courts with the citation or docket number in the subject line of the email with a copy of a photo I.D. and plea to each violation: Guilty, Not Guilty or No Contest. Use of a Plea Form may be downloaded from the Municipal Court website under the heading *Citations and Tickets*.

## Existing Practice

The Municipal Court uses Incode Version 9 from Tyler Technologies to manage its municipal court administrative process. The use of Tyler Technologies' courts and justice software solution (*Municipal Justice*) is designed to share data among all parties to include police department, court administrators, and the community. The integration platform is designed to save time and create operational efficiencies, eliminating redundancies, minimizing errors, and helping staff be more responsive to the community.

As Municipal Court staff receive parking notice of violation copies from Code Enforcement and Parks and Recreation, the information must be manually entered into the software platform for a case number to be generated<sup>2</sup>. In the absence of the violator's personal information, Municipal Court staff must also research Texas motor vehicle records to verify the information is captured and entered in the system accurately. Staff uses TransUnion/TLO, a third-party service, to look up registered vehicle owners. TLO is a skip tracing software platform that enables staff to look up names and addresses of motor vehicle owners across 95% of US populations. Out-of-state violations are kept open for ±three years then sent to prosecutor for dismissal in the interest of justice (IOJ).

Parking violations issued to rental car owners are assigned to the rental car agency upon confirmation with the lookup service, and the rental car agency notices the rental car agreement holder. Some companies will pay the violation and then collect from the agreement holder, some will provide the driver's information and the violation will be transferred to that individual (if all requirements are meet) or the agreement holder will pay the violation online themselves. The Municipal Court does not use a third-party collection agency to collect unpaid parking violations. The Court seeks to secure a vendor for this service in the upcoming fiscal year.

The data entry oversight and management of handwritten parking violations take up a fair amount of staff time. To assist with this process, the Court hires a temporary clerk from May to October to assist with data entry into *Municipal Justice* (powered by Incode). This is the temporary clerk's only responsibility and they are also assisted by other clerks. The bailiff spends at least 15 hours a week researching registered vehicle owners or correcting errors on the tickets before they are given to the clerk responsible for entering the violation data into the system platform. If the violation is filed electronically using the Enforcement Mobile platform, court staff will gain back

<sup>1</sup> Texas Transportation Code, Title 7, Vehicles and Traffic, Subtitle H, Parking, Towing, and Storage of Vehicle, Chapter 682, Administrative Adjudication of Vehicle Parking and Stopping Offenses.

<sup>2</sup> As of November 4, 2022, the Parks and Recreation Department have switched over to Enforcement Mobile (powered by Brazos) to issue notices of parking violations. The Rangers discovered that they need to work with Enforcement Mobile to rectify some issues with the platform. The violations have not been "pushed" to court as of the time of this analysis.

staff hours as a resource to apply elsewhere. The Court is currently utilizing available *Municipal Justice* modules to manage parking violations once they have been entered into the software system. Handwritten tickets are time-consuming for the issuers AND for court personnel. Automation of the issuing process and data transfer to Court is essential to efficient operations for the court.