



**Public Works Committee
Meeting Summary**

Tues. Feb. 3, 2009 **1:30 p.m.** **Conference Room 391**

Members Present: **Johnson, Lehmann, López**
Members Absent: **Nevitt**
Other Council: **Montero, Robb**

Agenda:

Reconciliation with Trillium for land trades in the Central Platte Valley
Parking Management - Pre-seizure notice on unregistered vehicles

1. Reconciliation with Trillium for land trades in the Central Platte Valley

Committee Action

The Committee approved amending the 1997 Contract for Exchange, Purchase and Sale of Real Property with Trillium Corporation to:

- finalize reconciliation for land traded, resulting in City payment of \$403,368 to Trillium; and
- provide for Trillium to convey part of one parcel to the Central Platte Valley Metro District rather than conveying the entire parcel to the City.

Summary of Discussion

Karen Aviles, Assistant City Attorney, described the 1997 agreement between the City and Trillium Corp. regarding the land trades in the Central Platte Valley (CPV) necessary to implement the CPV plan. The City needed land for surface streets as the viaducts were taken down, and for the parks. In 1997, the two entities agreed to swap land as needed; reconcile the amount acquired by each in the trades; and settle the difference at \$7.00 per square foot.

The City received 250,915 sq. ft. from Trillium; it gave Trillium 193,291 sq. ft. The City received 57,624 sq. ft. more than Trillium. The City owes Trillium \$403,368, for which Council approved appropriation from the 2009 Capital Improvement Fund contingency on Jan. 12, 2009 (Council Bill 14).

The second part of the amendment provides for public open space to be conveyed to the Central Platte Valley Metro District rather than the City. The 1997 Agreement allows for Trillium to turn over Parcel 6c/Tract B to the City. However, in the interim, the Central Platte Valley Metro District was created. Part of its duties is maintenance of the public open space; therefore, the part of the parcel in question being used an open space should be transferred to the Metro District, not the City.

Over the intervening years, Trillium has sold most of its land involved in this agreement to private developers.

2. Parking Management - Pre-seizure notice on unregistered vehicles

Committee Action

The Committee approved filing an amendment to Chapter 54 Article XIV, Traffic Violations Bureau, to allow notice of unpaid citations to be placed on a vehicle when no mailing address is available from the Department of Motor Vehicles, thus providing due process. The Committee requested follow-up on provision for the notices to be printed in other languages than English.

Summary of Discussion

Tina Scardina, Public Works Right-of-Way Enforcement; Roberta Munoz, Parking Magistrate; Pat Bridges, ACS; and Michael Joyce, Assistant City Attorney, discussed the proposed amendment.

Ms. Scardina said the proposed measure would close a gap in the parking citation process. Parking citations are placed on the offending vehicle. If the violator does not respond is within 20 days (either pay the fine or set a court date), notification of the unpaid parking ticket is mailed to the owner of the offending vehicle.

However, if a vehicle's owner cannot be determined from the Dept. of Motor Vehicles (generally because the vehicle has not been registered), currently there is no way to serve due process notice that unpaid parking citations put the vehicle at threat of seizure, or booting. This makes it difficult for the City to ever collect on what could amount to multiple citations on that vehicle.

The proposed amendment would add the following language to the code:

If a vehicle's owner cannot be determined due to a lack of registry with the Department of Motor Vehicles, a pre-seizure notice informing the driver, owner or person in charge of the vehicle of the violation may occur by affixing such notice to the driver's side window.

The notice posted on the vehicle will explain what they must do to avoid having the vehicle booted. Councilwoman Montero asked if that notice would be in several languages. Ms. Scardina said the discussions about how to do that are on-going. Councilwoman Montero asked for an update.

Councilwoman Johnson said it sounds as if the City is not enforcing vehicle registration, and parking citations on unregistered vehicles do not have to be paid. Mr. Joyce replied that police officers can impound unregistered vehicles without due process, but the VCAs (Vehicle Control Agents) are not authorized to do that. The requested language will at least allow notice of potential booting.

The VCAs have the technology to read license plates as they drive by a row of cars. If a plate with outstanding parking citations is read, the device alerts the VCA. If the vehicle has two unpaid citations and no registry address, the VCA will post the notice on the driver's side window.