

POLICE COMMITTEE MINUTES

November 10, 2004

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 10, 2004 at 4:05 p.m.

COMMITTEE PRESENT

Kyle Jones, Chairman
Tom Rawles
Claudia Walters

COMMITTEE ABSENT

None

STAFF PRESENT

Mike Hutchinson

COUNCIL PRESENT

Keno Hawker, Mayor

1. Discuss and consider recommendations pertaining to future towing service contracts.

Chairman Jones expressed the opinion that everyone present was familiar with the contents of the Council Report (a copy is available for review in the City Clerk's Office). He stated that the purpose of the meeting was to formulate a recommendation for the full Council regarding future towing service contracts.

Committeemember Walters noted that she attended a portion of the staff's meeting with the towing community, and she expressed the opinion that there was a good exchange of information. She concurred with a number of staff's recommendations, but she questioned the reason for stipulating a maximum 30-minute response time rather than 20 or 25 minutes.

Police Commander Hector Federico reported that several other agencies have a 30-minute response time, but staff was not opposed to a 20-minute response time. He explained that staff's suggestion for the 30-minute response time took into consideration Mesa's growth and increased traffic congestion. Commander Federico noted that on numerous occasions the current provider's response time has been less than 20 minutes.

Committeemember Walters expressed support for the lower pricing percentage because the common practice seemed to be that if the percentage were higher, the companies would "low ball" the price and attempt to make up the difference on the second tow. She cited the example of a vehicle that was towed and stored following an accident and then required a second tow to a repair facility. Committeemember Walters asked if the owner was required to utilize the same company for the second tow, or if a different company could perform that service, and how the information was communicated to the vehicle owner.

Materials Management Director Sharon Seekins noted that the draft Request for Proposals (RFP) document contains language requesting information on the company's customer service program, and she expressed the opinion that Committeemember Walters' concerns could be addressed in that area. She noted that the current contract does not address the issue.

In response to Committeemember Rawles' question regarding a second towing company's right to enter the yard of another company to access the vehicle, Ms. Seekins clarified that the second towing company would not have legal access to a vehicle stored in the yard of another company. She advised that the first company would have to tow the vehicle to a public area where the second company could then access the vehicle. Ms. Seekins stated that the final RFP would require the first company to tow the vehicle from their lot to a public right of way in order to provide access to the second company.

Responding to Committeemember Rawles' question as to whether staff's proposal is for a rotational or zoned dual award, Commander Frederico advised that staff is considering a dual-zoned geographical system. He stated that staff wants to ensure that the system implemented is fair to both providers, but noted that the easiest system would probably be a dual-zoned geographical breakdown of the City.

Committeemember Rawles noted that breaking the City into two geographical zones minimizes the argument for increasing the response time.

Ms. Seekins explained that the provider's storage yard might not be located within their geographical area of responsibility and therefore the increased response time could be justified.

Committeemember Rawles expressed concern regarding the anti-solicitation provision of the RFP. He noted that a tow truck driver responding to a customer's request for a recommendation seemed appropriate. Committeemember Rawles stated the opinion that a real problem exists regarding unsolicited recommendations, but he noted that enforcement of anti-solicitation provisions would be difficult. Committeemember Rawles expressed support for the provisions that require tow truck operators to post their commercial rates and added that the provider's storage lots should be located in Mesa.

Ms. Seekins confirmed staff's viewpoint that a tow truck driver responding to a customer inquiry was providing good customer service, and she noted that staff only wished to address unsolicited recommendations.

Committeemember Rawles advised that he is comfortable with staff's recommendation for the towing aspect, but added that he is not comfortable with the emergency contract that is targeted to clear streets following accidents. He questioned the reason for regulating this aspect, but said he also understands that the majority of the Council holds a different viewpoint. Committeemember Rawles acknowledged that tying the two contracts together could be cost effective for the City, and therefore he would not object to that aspect of the contract during the Council meeting. He also expressed appreciation to City staff, members of the Police Department and representatives of the towing industry for their willingness to learn from each other and work together.

Commander Frederico stated that staff was also appreciative to the industry representatives for providing good information.

Chairman Jones advised that the City was interested in determining the true costs "up front," rather than have towing companies attempt to make up the difference on the cost of the second tow. He stated that towing companies should bid the contract based on their costs. Chairman Jones noted that the consensus of the Committee was that the storage lots be located in Mesa, but he asked if the company must have the lot secured before entering the bidding process, or whether there is a compliance date such as 30 days prior to implementation of the contract.

Ms. Seekins explained that the draft RFP states that if the contractor does not presently have the storage facility, a contingent agreement should be in place for a facility in the event that company is awarded the contract. She added that if the property proposed for the storage facility requires a Council Use Permit and the recommended provider has not initiated the Council Use Permit process, staff could make a conditional recommendation of award. Ms. Seekins stated that an alternative procedure would be to require the providers to file an application for the Council Use Permit and schedule a hearing date. She explained that staff would follow the Council's direction regarding the requirements to be placed in the RFP.

In response to Committeemember Walters' concern regarding the possibility of "kick backs" being accepted by towing company representatives, Ms. Seekins stated that the RFP could include language that states that referral fees are prohibited. She also noted that this prohibition would be very difficult to enforce.

Committeemember Rawles expressed concern that implementing a rotation program would require an additional position, and he requested clarification from staff.

Commander Federico stated that the additional police position would be required for a full rotation program, but the dual-zone alternative would not require the additional position.

Mr. Hutchinson advised that staff could prepare the draft RFP based on the Committee's input for consideration by the Council on December 6, 2004.

Chairman Jones suggested that the Committee review the list of specific items and provide staff with recommendations.

Discussion ensued relative to the fact that if the dual award concept is selected, staff will determine if the contract will be for "every other call" or dual zones; and if staff recommends zones, a breakdown of the zones will be provided to the Council.

Chairman Jones noted that a recommendation for zones should take future population projections into consideration.

In response to Committeemember Walters' recommendation that the contract include a 25-minute response time with the provision that the contractor could request a modification if problems develop, Ms. Seekins advised that if the contractors are struggling to comply with the response time, a change order could be issued to adjust the response time.

Responding to Chairman Jones' question regarding the means by which delays in responding to a call are communicated, Commander Federico advised that a procedure is in place whereby the provider notifies Police Department Communications. Chairman Jones also noted that the current provider in the audience was indicating that there is direct communication between the tow truck and the officer at the scene.

Committeemember Rawles noted that the original proposal for a five-year contract has been reduced to a three-year contract with the City having options to renew, and he expressed the opinion that the three-year term was appropriate.

Chairman Jones noted that the Committee agreed to the requirement for the storage lot to be located in Mesa, with the flexibility previously discussed in terms of acquiring the lot.

Other items specified by the Committee include:

- The towing of disabled City vehicles would be covered by a separate agreement administered by Fleet Support due to the fact that Five Star utilizes their own trucks to tow the majority of disabled City vehicles. Ms. Seekins noted that for exceptions, such as towing a refuse truck, a firm with heavy-duty equipment would be contacted. She advised that Five Star has had their own tow truck for only a few months, and that staff is attempting to determine if sufficient volume exists to bid a full contract for the remaining City vehicles, or if a qualified provider list should be made available.
- Abandoned vehicles would be required to be picked up at no cost to the City. Ms. Seekins confirmed that the provider will be required to provide information on their storage fees, and that factor is included in the pricing score.
- Selected providers are prohibited from offering unsolicited recommendations for service.
- The contract should include a requirement that the towing contractor provide the customer with the company's commercial towing rates. Ms. Seekins noted that, at a minimum, this requires the firm to disclose the information in the RFP, but said that she would like to discuss with industry representatives methods of providing this information to the customer. Committeemember Rawles noted that exceptions to customer notification would exist, such as when the driver of a vehicle is transported to a hospital and is unable to consider towing options.
- The cost to tow a vehicle to the public right of way should be included in the cost of the initial tow.

Mayor Hawker questioned whether the provider's storage lot could include an area for pick up rather than requiring them to tow the vehicles to a public right of way.

Other recommendations of the Committee included:

- Increase the monitoring of contract performance and prepare a reporting timetable.
- The contract would require staff to meet with the providers monthly in order to address any issues.

Mayor Hawker noted that scoring the availability of the storage yard would be very difficult, and that there might be a reward or benefit for the provider if the storage lot was located in their area of responsibility in order to minimize the response time.

Ms. Seekins said that staff could award points for a conveniently located storage lot, but said it would be difficult to require that the lot be located within the zone.

Committeemember Rawles pointed out the difficulty of scoring relative to lot location because the zone assignment was yet to be determined.

Ms. Seekins noted that the City would have the option of determining which firm would be assigned to a specific zone, and she concurred that scoring potential providers on storage lot locations would not be possible.

Committeemember Rawles noted that this process has been very worthwhile, and he thanked everyone for their input.

Chairman Jones noted that the City was attempting to make the process as open and fair as possible and to provide the best benefit for the citizens of Mesa.

Committeemember Walters, noting that a storage lot would be prohibited in certain areas of the City, expressed concern about weighting the location of the lot in the RFP.

In response to a question from Mayor Hawker, Ms. Seekins clarified that the weighting of the price would be proportional. She noted that the Council packet includes Exhibit A, which is a draft of the RFP evaluation factors. Ms. Seekins explained that this document requires some modification, but she noted that page 6 refers to pricing and the lowest bidder will receive the most points and others would receive points on a proportional basis. She added that one point was the lowest possible, and that would be awarded to a bidder whose price was twice as high as the lowest price.

Chairman Jones stated that staff has the Committee's recommendations, and that the draft RFP would be scheduled for Council consideration on December 6, 2004. He thanked staff and the industry representatives for their input.

2. Adjournment.

Without objection, the Police Committee meeting adjourned at 4:49 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Police Committee meeting of the City of Mesa, Arizona, held on the 10th day of November 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK