

COUNCIL MINUTES

July 5, 2005

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on July 5, 2005 at 4:30 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

1. Review items on the agenda for the July 5, 2005 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 6d (Hawker); 11a (Walters)

Items added to the consent agenda: 4a

2. Discuss, consider and provide direction on how to proceed with the Police Emergency Towing Services RFP.

City Manager Mike Hutchinson reported that the Police Emergency Towing Services RFP was previously issued and that staff received four proposals. He explained that staff has delayed bringing the proposals forward to the Council due to litigation against the City, which has recently been resolved. Mr. Hutchinson requested direction from the Council as to whether staff should proceed to make their recommendations regarding the award of the contract; delay the process until ongoing investigations (of the current vendor) are concluded; or consider other alternatives.

Mayor Hawker stated that he would prefer that staff move forward with the award of the Police Emergency Towing Services contract and that the matter be placed on an upcoming Council meeting agenda for discussion and consideration. He stated that as part of the RFP process, four zones were established within the City upon which the vendors could submit separate proposals. Mayor Hawker added that he has always subscribed to the principle that everyone is innocent until proven guilty and said he would continue to maintain that philosophy.

Vice Mayor Walters concurred with Mayor Hawker's comments and suggestions. She stated that it is important to note that the Council has not had an opportunity to review the proposals and has no idea what the response has been to the RFP. Vice Mayor Walters requested that when this item comes back to the Council for consideration, that staff provide an overview of the current provider; advise whether that entity is one of the lowest responsive providers for each of the four zones; advise whether the company has been the subject of complaints in the past; and discuss the manner in which the Council should consider such issues when awarding contracts.

In response to a question from Vice Mayor Walters, City Attorney Debbie Spinner clarified that the proposals would be included in the Council's packets for the July 11, 2005 Council meeting.

Vice Mayor Walters requested that Ms. Spinner provide the Council with a brief overview of various legal implications with regard to the awarding of the contract.

Ms. Spinner expressed concerns discussing the legal implications of this matter in public, as opposed to during an Executive Session. She noted that in order for the Council to discuss this item now, it would be necessary for them to waive their attorney/client privilege.

Mayor Hawker stated that Diversified Towing (dba Cactus Towing) is the City's current provider and indicated that if the Council does not move forward with the contract award process, Cactus would continue in that capacity in the interim unless other options are instituted (i.e., rotational towing, revamping the entire system). He commented that although there are ongoing legal investigations concerning Cactus, from the information the City has received thus far, there appears to be no conclusive evidence regarding such inquiries.

Councilmember Rawles concurred with Mayor Hawker and said that because the Council does not know the content of the various proposals, the most appropriate step to take would be to move forward with the contract process and analyze the proposals "in the full light of public and Council scrutiny."

Mayor Hawker stated that it is the consensus of the Council that an item be placed on the July 11, 2005 Council meeting agenda to discuss and consider the award of the Police Emergency Towing Services contract.

3. Hear reports on meetings and/or conferences attended.

Vice Mayor Walters

Dobson Library 4th of July Celebration

4. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Thursday, July 7, 2005, 7:30 a.m. – Study Session

Monday, July 11, 2005, TBA – Study Session

Monday, July 11, 2005, 5:45 p.m. – Regular Council Meeting

5. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

6. Adjournment.

Without objection, the Study Session adjourned at 5:07 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 5th day of July 2005. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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