



## COUNCIL MINUTES

June 7, 2012

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 June 7, 2012 at 7:58 a.m.

### COUNCIL PRESENT

Scott Smith  
Alex Finter\*  
Christopher Glover  
Dennis Kavanaugh  
Dave Richins\*  
Scott Somers

### COUNCIL ABSENT

Dina Higgins

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner

(Mayor Smith excused Councilwoman Higgins from the entire meeting.)

(\*Councilmembers Richins and Finter participated in the meeting through the use of telephonic equipment.)

1-a. Hear a presentation, discuss and provide direction on the Escobedo at Vista Verde Development.

City Manager Christopher Brady stated that this item would be continued to a future Study Session.

1-b. Hear a presentation, discuss and provide direction on proposed Mesa City Charter changes including, but not limited to:

1. Date of Elections
2. Term of Mayor and Councilmembers
3. Succession policy in the case of a vacancy in the Office of Mayor
4. Capital Program
5. Proceeding directly to the General Election if less than three candidates

Mayor Smith noted that this item was a follow up to the June 4, 2012 Study Session, at which time the Council discussed proposed Mesa City Charter changes.

City Attorney Debbie Spinner inquired if the Council had any questions or comments concerning the drafts of the proposed Charter amendments related to Section 701(A) – Date of Elections; Section 201(C) & (D) – Term of Mayor and Councilmembers; and Section 605(A) – Capital Program.

Mayor Smith stated that the Council was comfortable with the proposed changes.

Ms. Spinner explained that with respect to Section 203 of the City Charter, which relates to setting the procedures for filling a vacancy in the Office of Mayor, at the June 4<sup>th</sup> Study Session, the Council asked that she provide two options for their consideration. She noted that Option 1 (**See Attachment 1**), which is consistent with the Phoenix model, requires that candidates for the Office of Mayor declare their candidacy within ten days of the vacancy occurring.

Ms. Spinner advised that based on the Council's feedback, Option 1 includes a provision to allow the Council to call an election to fill the Office of Mayor and any vacant District Council Office that may result from Councilmembers declaring themselves as candidates for Mayor. She stated, in addition, that as a result of comments made by some of the Councilmembers, Section 203(C)(2)(f) was modified to make a temporary appointment to fill the District Council position when the Vice Mayor ascends to Mayor Pro Tempore discretionary for the Council. Ms. Spinner clarified, however, that per the decision of the Council, such modification could be changed back so that the appointment is required.

Discussion ensued relative to the fact that the City Charter assumes that the Council will be composed of seven members; that it defines four votes as constituting a majority of the Council; and that it was the opinion of staff that the temporary appointment of a Councilmember would be in the best interest of the City since such an appointment would most likely occur for an extended period of time.

Ms. Spinner reported that Option 2 (**See Attachment 2**) requires that the candidates for the Office of Mayor declare their candidacy no later than 60 days before the deadline for filing nomination petitions (i.e., 90 days before the Primary Election). She said that she arbitrarily picked 60 days in order to provide candidates sufficient time to collect petition signatures, but added that the requirement could be changed to whatever timeline the Council preferred.

Vice Mayor Somers commented that with either option, he would hope that if the Vice Mayor decided to run for the Office of Mayor, that the election to fill the Vice Mayor's Council District seat could be held concurrently with the election for the Office of Mayor.

Ms. Spinner responded that in Option 1, the following provision was added: "If Council calls an election to fill a vacancy in the Office of Mayor and one or more District Council Offices are also vacant, the Council may require that the vacancies in the Council District Offices be filled at the same election as the Office of Mayor."

Ms. Spinner advised that she was seeking Council direction as to whether to move forward with the proposed Charter amendments, and if so, whether they preferred Option 1 or Option 2.

Mayor Smith summarized that staff has proposed an option to "match" a District Council vacancy with a Mayoral vacancy, meaning that if one or more Councilmembers run for the

Office of Mayor, the Council may require that those vacancies be filled at the same Special Election as the Office of Mayor.

Mayor Smith further noted that the second issue relates to candidates for the Office of Mayor declaring their candidacy, with Option 1 requiring candidates to do so within ten days, while Option 2 requires that the candidates declare their candidacy no later than 60 days before the deadline for filing nomination petitions.

Ms. Spinner confirmed Mayor Smith's statements.

Mayor Smith stated that it was the consensus of the Council that staff move forward with Option 1.

Ms. Spinner clarified that on the June 25, 2012 Council meeting agenda, she will include for introduction the proposed Charter amendments related to Section 203 (**Option 1**); Section 701(A); Section 201(C) and (D); and Section 605(A).

Ms. Spinner further remarked that at the June 4<sup>th</sup> Study Session, the Council directed staff to prepare a proposed amendment to Section 201(F) that would state that if less than three candidates are running for either Mayor or District Councilmember, the candidates will bypass the Primary Election (as currently required in the Charter) and be placed on the General Election ballot.

Mayor Smith commented that in fairness to his fellow Councilmembers, he was the one that initially brought up this item.

Mayor Smith stated that Vice Mayor Somers, Councilmember Richins and himself were supportive of the proposal, while Councilmembers Glover, Finter and Kavanaugh were not. He directed that Ms. Spinner move forward the item so that Councilwoman Higgins would also have the opportunity to provide input in this regard.

Mayor Smith thanked Ms. Spinner for the presentation.

1-c. Hear a presentation, discuss and provide direction for Police-related Towing Services contract.

Police Lieutenant Tom Intriери displayed a PowerPoint presentation (**See Attachment 3**) and reported that the purpose of this agenda item was to present options related to the Police Towing Services contract.

Lieutenant Intriери highlighted the two proposed options as follows:

- **Option 1** – Rotational Vendor Per Zone Option
- **Option 2** – Single Vendor Per Zone Option (Current configuration)

Lieutenant Intriери explained that both options would include pricing established by the City. He said that the pricing model is based on current Valley-wide fees used by several municipalities, and noted that the fees may be adjusted throughout the term of the contract.

Lieutenant Intrieri displayed a map of the City of Mesa illustrating the current Zones 1 through 4 configurations. (See Page 3 of Attachment 3) He noted that the City has three vendors, with one vendor assigned to two zones.

Lieutenant Intrieri advised that with respect to the Rotational Vendor Per Zone Option, staff would create an eligible vendor list through a Request for Qualifications (RFQ) in order to provide towing services to three zones. He briefly highlighted the minimum qualifications for this option (See Page 4 of Attachment 3) and said that there would be no guarantee for towing volume or rotational order.

In response to a question from Mayor Smith, Lieutenant Intrieri assured the Council that the Mesa Police Department (MPD) would follow a rotational approach with the vendors, but noted that because of certain variables that occur, the volume may not be consistent.

Lieutenant Intrieri, in addition, discussed the Single Vendor Per Zone Option and indicated that staff would issue a Request for Proposals (RFP) to establish a single vendor for each of the four zones. He offered a short synopsis of the minimum qualifications (See Page 5 of Attachment 3) and said that the current four-zone configuration is based on a single vendor in each zone. He added that staff was seeking Council input with respect to continuing with the one vendor per zone scenario or perhaps allowing one vendor to bid for and be awarded all four zones.

Vice Mayor Somers commented that in his opinion, if a towing company provided services for the entire City, there might be an economy of scale since those services could be provided at a more reasonable cost. He inquired if it would be appropriate to include an option that would allow a towing company to not only bid by zone, but also for four zones inclusively.

Deputy City Manager John Pombier responded that because the City set the pricing, he did not know that Vice Mayor Somers would see an economy of scale.

City Manager Christopher Brady pointed out that in the past, the vendors were limited to providing towing services to two zones. He stated that what he is hearing from the Council is that there may be interest in allowing the vendors to compete and be awarded all four zones.

In response to a question from Mayor Smith, Business Services Department Director Ed Quedens clarified that the criteria included in the bid process generally consist of technical and business qualifications. He said that the business qualifications that differentiate one company from another may include, but are not limited to, references, time in the towing business, community involvement, the experience of the manager and staff, length of service of the drivers, financial strength and capacity.

Responding to a question from Vice Mayor Somers, Lieutenant Intrieri explained that the current four zones do not generate the same amount of revenue for the towing companies. He explained that Zones 1 and 2 are typically higher in the volume of vehicles and said that Zones 3 and 4 combined have approximately the same volume as either Zone 1 or Zone 2. Lieutenant Intrieri added that the manner in which the zones were created was not only so that the vendors could respond in a timely manner, but also so the responding officers would not be unnecessarily delayed at the collision scenes.

Mr. Brady reminded the Council that the City does not generate any revenue from the Police Towing Services contract. He reiterated that the purpose of the contract is to facilitate the removal of cars involved in accidents on City streets and return the responding officers to their other duties in a timely manner.

Mayor Smith stated that regardless of which towing company responds to a call, it was important that they operate under the same standards and practices and do not take advantage of the citizens. He also noted that he appreciated the fact that staff established set pricing, which has been helpful to the citizens.

Councilmember Finter remarked that the Council had previously discussed a cost recovery model with respect to managing the Police Towing Services contract and inquired if that were no longer a consideration.

Mr. Pombier responded that staff determined that if the City went with the rotational option, they could not verify exactly what the additional costs would be. He said that the idea was that in a year, staff would come back to the Council to apprise them of those exact costs. Mr. Pombier further advised that the original proposal did include a cost recovery fee, but reiterated that because staff could not quantify the costs with any certainty, they wanted to wait a year to make sure that the fee was, in fact, covering costs and the City was not making money.

Councilmember Finter stated that the Police Towing Services contract and the Photo Radar Program are both managed by the MPD's Traffic Section, which has staff who rotate in and out of the division. He suggested that it might be more beneficial for the City to hire a professional manager to monitor the programs and provide greater consistency in that regard.

Discussion ensued relative to the fact that approximately 10,000 vehicle tows occur in the City every year; that if the City set an administrative fee, the towing companies would pass through those costs to their customers; and that if the City moved forward with the rotational option, it would be necessary for staff to review and audit the towing companies, which could increase the amount of the administrative fee.

Mayor Smith stated that he did not know why the City could not start collecting an administrative fee.

Mr. Brady responded that staff would research the matter and come back with a proposal for the Council to consider.

Mayor Smith remarked that not only is the City attempting to balance the interests of the towing companies, but also ensuring that those businesses provide the best quality service to the MPD and the citizens. He said that he would have no problem with the City establishing an administrative fee to ensure that the system works efficiently and effectively and directing staff to come back to the Council in a year to assess whether the fee is fair and equitable.

Lieutenant Intriari continued with the presentation and reviewed the standardized pricing structure, which was developed to ensure that consistent fees were charged to the customers. (See Page 6 of Attachment 3) He also remarked that the pricing structure will be evaluated on a yearly basis to reflect any changes in the industry.

Lieutenant Intriery, in addition, highlighted a chart titled "Fee Structures for Valley Agencies." (See Page 7 of Attachment 3) He stated that with respect to Mesa's recommended fees, the pricing structure is lower than average as compared to the other jurisdictions, however, the prices and recommended fee structure are higher than the average prices the City received in the 2010 RFP for Police Towing Services.

Responding to a question from Vice Mayor Somers, Mr. Pombier clarified that the reason the City set the pricing structure is that when staff first considered the rotational option, they did not want to have a situation in which two citizens with very similar tows would be charged vastly different prices by the vendors.

Mr. Brady further noted that regardless of what option was selected, staff did not want different fees in the various zones, but rather to create uniformity across the City.

Vice Mayor Somers commented that the City would not necessarily have to establish zones in that case if it opened up a quantitative process wherein the companies would bid on the fees and also be required to meet a minimum standard of response times.

Mayor Smith pointed out that the problem the City had in the past was developing a quantitative standard since there were so many variables with respect to the various bids.

An extensive discussion ensued relative to a comparison of the fee structures in other Valley communities; that the Council previously directed staff as follows: to establish the pricing to ensure that the tow companies charged the same fees; that such pricing would be a fair rate that is consistent with fees throughout the Valley; and that staff would then focus on the quality of service provided by the vendors.

Lieutenant Intriery continued with his presentation and reviewed a document titled "Performance Summary for FY 2010-2011." (See Page 8 of Attachment 3) He also highlighted various considerations with respect to the Rotational Vendor Per Zone Option (See Page 9 of Attachment 3) and the Single Vendor Per Zone Option. (See Page 10 of Attachment 3)

Mr. Pombier stated that it was staff's recommendation to proceed with the Single Vendor Per Zone Option. (See Page 11 of Attachment 3)

Councilmember Kavanaugh stated the opinion that the best way to ensure good customer service to the public and the MPD was for the City to perform in-house towing services. He noted that such an approach would dramatically reduce the City's chances of being sued by a towing company for not getting any business. He suggested that such an option should be explored by the Council in order to reduce "all the hoopla and gyrations" that occur with towing.

Councilmember Kavanaugh further commented that he would prefer the Rotational Vendor Per Zone Option, which offers the best opportunity for local, small businesses to compete and also minimizes the City's risk of litigation. He added that the challenges identified by staff are issues that have been resolved by other jurisdictions that use the rotational option.

Vice Mayor Somers expressed concern with respect to the rotational option as it relates to the administrative costs, but noted that it does open up the process for more small businesses. He stated that the City could possibly set a fee in order to pay for the administrative costs and

perhaps hire a contractor to manage the program for the City, which would relieve the MPD of that administrative burden.

Vice Mayor Somers also voiced concern regarding the Single Vendor Per Zone Option since it is a qualitative rating. He said that the City would be confronted with the same argument that occurred previously when one bidder won the whole City, except this time it could occur four times over with one vendor for each zone.

Vice Mayor Somers suggested that an alternative to the Single Vendor Per Zone Option be explored and said perhaps staff could assess the qualifications of the towing companies; that the names of those vendors that are deemed qualified could be placed into a pool, similar to a lottery; and that the City would draw the names of the successful vendors for the zones.

Councilmember Finter voiced support for the Single Vendor Per Zone Option and noted that during his tenure with the Fire Department, he was familiar with the rotational system, which is a challenging option. He also remarked that the MPD unit that would manage the rotational option has indicated that they foresee challenges with the system and said he would prefer not to burden them further.

Councilmember Richins concurred with Councilmember Finter's comments.

Councilmember Glover commented that he was supportive of Vice Mayor Somers' suggestion regarding the lottery and concurred that the rotational option provides an opportunity for small Mesa businesses to compete. He also remarked that he did not want to place an undue burden on the MPD and noted that if some of its administrative responsibilities with respect to monitoring the Police Towing Services contract could be relieved, that would be beneficial to staff and the City as a whole.

Mayor Smith indicated that he too was intrigued by Vice Mayor Somers' proposal regarding the City conducting a lottery to select the vendors. He stated that although one company could provide towing services for the entire community, there were also many small businesses that could provide top level service for the City. He suggested, as an example, awarding two companies to provide towing services in one zone.

Mayor Smith restated the direction from a majority of the Council as follows: That staff move forward with a single provider per zone; that the City would issue an RFQ and establish the qualifications and standards; that the vendors could possibly pay an administrative fee to participate in each zone; that staff would determine which towing companies meet such standards; and those companies would be included in the lottery. He also suggested that the companies could participate in the lotteries for all four zones, but only win a maximum of two zones.

Mr. Brady stated that staff would proceed in that direction, share the Council's proposal with the towing industry, and bring back this item at a future Study Session for further Council discussion and consideration.

Mayor Smith further suggested that if a small towing company was able to handle one zone, but wanted to maximize its chances by participating in the lotteries for all four zones and was

awarded more than one zone, the company would have the ability to pick the zone it would like to service and decline the other zone.

Councilmember Richins also suggested that the vendors agree on the minimum qualifications in order to participate in the lottery.

Mayor Smith concurred with Councilmember Richins' suggestion and said that it would be necessary for the City to agree that the vendors meet such qualifications. He added that the City could prequalify the vendors for one or two zones.

Mayor Smith thanked everyone for the presentation.

2. Acknowledge receipt of minutes of various boards and committees.

2-a. Human Relations Advisory Board meeting held on April 25, 2012.

It was moved by Vice Mayor Somers, seconded by Councilmember Kavanaugh, that receipt of the above-listed minutes be acknowledged.

Mayor Smith declared the motion carried unanimously by those present.

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

Vice Mayor Somers: Twitter Chat on Disaster Preparedness

Mayor Smith: East Valley Hispanic Chamber of Commerce First Annual Breakfast

4. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Thursday, June 14, 2012, 7:30 a.m. – Study Session

5. Items from citizens present.

There were no items from citizens present.

6. Adjournment.

Without objection, the Study Session adjourned at 9:06 a.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, 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 7<sup>th</sup> day of June, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

bdw/pag  
(attachments – 3)

## OPTION 1

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, PROPOSING TO AMEND SECTION 203 OF THE MESA CITY CHARTER TO SET THE PROCEDURES FOR FILLING A VACANCY IN THE OFFICE OF MAYOR AND COUNCIL DISTRICT OFFICE.

**WHEREAS**, the City Charter currently states that if a vacancy in the office of Mayor occurs, the Vice Mayor will serve as Mayor for the remainder of the term,

**WHEREAS**, the City Council believes the voters of the City of Mesa should elect the Mayor if the office becomes vacant with more than two (2) years remaining in the term, and

WHEREAS, THE CITY COUNCIL BELIEVES THAT IF ANY DISTRICT COUNCIL OFFICE ALSO BECOMES VACANT IT SHOULD BE FILLED AT THE SAME ELECTION AS FOR THE OFFICE OF MAYOR, AND

**WHEREAS**, Council desires to change the City Charter to require an election to fill a vacancy in the Office of Mayor if the vacancy occurs with more than two (2) years remaining in the term,

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Mesa, Arizona, as follows:

Section 1: That Section 203 of the Mesa City Charter is amended as follows, subject to approval by the voters of the City of Mesa and Governor of the State of Arizona:

**203(B) Vice Mayor:** Within thirty (30) days after taking office, each Council shall elect from the Council a Vice Mayor who shall act as Mayor during absence or disability of the Mayor, ~~and if the office of Mayor becomes vacant, he shall become Mayor for the unexpired term, and the Council shall elect a new Vice Mayor within thirty (30) days.~~

**203(C) FILLING A VACANCY IN THE OFFICE OF MAYOR**

- (1) IF THE OFFICE OF MAYOR BECOMES VACANT WITH LESS THAN TWO (2) YEARS REMAINING IN THE TERM, THE VICE MAYOR SHALL SERVE AS MAYOR FOR THE REMAINDER OF THE TERM. THE

**ATTACHMENT 4**

COUNCIL SHALL ELECT A NEW VICE MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECAME VACANT. THE DISTRICT COUNCIL OFFICE THAT BECOMES VACANT DUE TO THE ASCENSION OF THE VICE MAYOR TO MAYOR WILL BE FILLED AS DESCRIBED IN SECTION 206.

(2) IF THE OFFICE OF MAYOR BECOMES VACANT WITH MORE THAN TWO (2) YEARS REMAINING IN THE TERM, THE VICE MAYOR SHALL BECOME THE MAYOR PRO TEMPORE. THE COUNCIL SHALL ELECT A NEW VICE MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECAME VACANT.

(a) THE COUNCIL SHALL CALL AN ELECTION TO FILL THE OFFICE OF MAYOR, TO BE HELD CONCURRENT WITH THE NEXT COUNCIL ELECTION OR BY A SPECIAL ELECTION. THE ELECTION WILL BE HELD NOT LESS THAN 120 DAYS AND NOT MORE THAN 365 DAYS FROM THE DATE THE VACANCY OCCURS.

(b) ALL CANDIDATES FOR THE OFFICE OF MAYOR MUST DECLARE THEMSELVES A CANDIDATE FOR MAYOR WITHIN TEN (10) DAYS FROM THE DATE THE VACANCY OCCURS. IF THE MAYOR PRO TEMPORE OR A COUNCILMEMBER DECLARES HIMSELF A CANDIDATE FOR MAYOR, HE SHALL RESIGN HIS DISTRICT COUNCIL OFFICE IF REQUIRED IN SECTION 205.

(c) IF COUNCIL CALLS AN ELECTION TO FILL A VACANCY IN THE OFFICE OF MAYOR AND ONE OR MORE DISTRICT COUNCIL OFFICES ARE ALSO VACANT, THE COUNCIL MAY REQUIRE THAT THE VACANCIES IN THE COUNCIL DISTRICT OFFICES BE FILLED AT THE SAME ELECTION AS THE OFFICE OF MAYOR.

(d) CANDIDATES FOR VACANT POSITIONS SHALL BE ENTITLED TO CIRCULATE NOMINATION PETITIONS FOR THE OFFICE AS SOON AS THE VACANCIES OCCUR.

(e) THE PROCEDURE FOR NOMINATION AND ELECTION SHALL BE THE SAME AS FOR THE REGULAR MAYOR AND COUNCIL ELECTION TO THE EXTENT POSSIBLE.

(f) IF THE MAYOR PRO TEMPORE DOES NOT RUN FOR THE OFFICE OF MAYOR, HE WILL SERVE AS MAYOR PRO TEMPORE UNTIL A SUCCESSOR MAYOR IS ELECTED AND QUALIFIED.

(1) THE COUNCIL MAY APPOINT A PERSON TO SERVE AS DISTRICT COUNCILMEMBER FOR THE OFFICE THAT

BECOMES TEMPORARILY UNFILLED DUE TO THE ASCENSION OF VICE MAYOR TO MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECOMES VACANT. THE APPOINTED DISTRICT COUNCILMEMBER'S TERM WILL END WHEN THE MAYOR PRO TEMPORE RESUMES HIS POSITION AS DISTRICT COUNCILMEMBER.

Section 2: Effective Date: In accordance with Section 903(C) of the Mesa City Charter, this ordinance and the Charter amendment it describes shall not go into effect unless approved by a majority of the voters voting thereon at the next City election and approved by the Governor of the State of Arizona.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this \_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## OPTION 2

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, PROPOSING TO AMEND SECTION 203 OF THE MESA CITY CHARTER TO SET THE PROCEDURES FOR FILLING A VACANCY IN THE OFFICE OF MAYOR AND COUNCIL DISTRICT OFFICE.

**WHEREAS**, the City Charter currently states that if a vacancy in the office of Mayor occurs, the Vice Mayor will serve as Mayor for the remainder of the term,

**WHEREAS**, the City Council believes the voters of the City of Mesa should elect the Mayor if the office becomes vacant with more than two (2) years remaining in the term, and

**WHEREAS**, Council desires to change the City Charter to require an election to fill a vacancy in the Office of Mayor if the vacancy occurs with more than two (2) years remaining in the term,

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**203(C) FILLING A VACANCY IN THE OFFICE OF MAYOR**

(1) IF THE OFFICE OF MAYOR BECOMES VACANT WITH LESS THAN TWO (2) YEARS REMAINING IN THE TERM, THE VICE MAYOR SHALL SERVE AS MAYOR FOR THE REMAINDER OF THE TERM. THE COUNCIL SHALL ELECT A NEW VICE MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECAME VACANT. THE DISTRICT COUNCIL OFFICE THAT BECOMES VACANT DUE TO THE ASCENSION OF THE VICE MAYOR TO MAYOR WILL BE FILLED AS DESCRIBED IN SECTION 206.

(2) IF THE OFFICE OF MAYOR BECOMES VACANT WITH MORE THAN TWO (2) YEARS REMAINING IN THE TERM, THE VICE MAYOR SHALL BECOME THE MAYOR PRO TEMPORE. THE COUNCIL SHALL ELECT A NEW VICE MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECAME VACANT.

(a) THE COUNCIL SHALL CALL AN ELECTION TO FILL THE OFFICE OF MAYOR, TO BE HELD CONCURRENT WITH THE NEXT COUNCIL ELECTION OR BY A SPECIAL ELECTION. THE ELECTION WILL BE HELD NOT LESS THAN 120 DAYS AND NOT MORE THAN 365 DAYS FROM THE DATE THE VACANCY OCCURS.

(b) ALL CANDIDATES FOR THE OFFICE OF MAYOR MUST DECLARE THEMSELVES A CANDIDATE FOR MAYOR NOT LESS THAN SIXTY (60) DAYS BEFORE THE LAST DAY TO FILE NOMINATION PETITIONS FOR THE ELECTION. IF THE MAYOR PRO TEMPORE OR A COUNCILMEMBER DECLARES HIMSELF A CANDIDATE FOR MAYOR, HE SHALL RESIGN HIS DISTRICT COUNCIL OFFICE IF REQUIRED IN SECTION 205. VACANT DISTRICT COUNCIL OFFICES WILL BE FILLED AS DESCRIBED IN SECTION 206.

(c) THE PROCEDURES FOR NOMINATION AND ELECTION SHALL BE THE SAME AS FOR THE REGULAR MAYOR AND COUNCIL ELECTION TO THE EXTENT POSSIBLE.

(d) IF THE MAYOR PRO TEMPORE DOES NOT RUN FOR THE OFFICE OF MAYOR, HE WILL SERVE AS MAYOR PRO TEMPORE UNTIL A SUCCESSOR MAYOR IS ELECTED AND QUALIFIED.

(1) THE COUNCIL MAY APPOINT A PERSON TO SERVE AS DISTRICT COUNCILMEMBER FOR THE OFFICE THAT BECOMES TEMPORARILY UNFILLED DUE TO THE ASCENSION OF VICE MAYOR TO MAYOR WITHIN THIRTY (30) DAYS OF WHEN THE OFFICE OF MAYOR BECOMES VACANT. THE APPOINTED DISTRICT COUNCILMEMBER'S TERM WILL END WHEN THE MAYOR PRO TEMPORE RESUMES HIS POSITION AS DISTRICT COUNCILMEMBER.

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PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
MESA, MARICOPA COUNTY, ARIZONA, this \_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# *Term Contract for Police Towing Services*

**Police Department – Citywide Contract**

**Presentation to City Council  
June 7, 2012**





# Police Towing Services

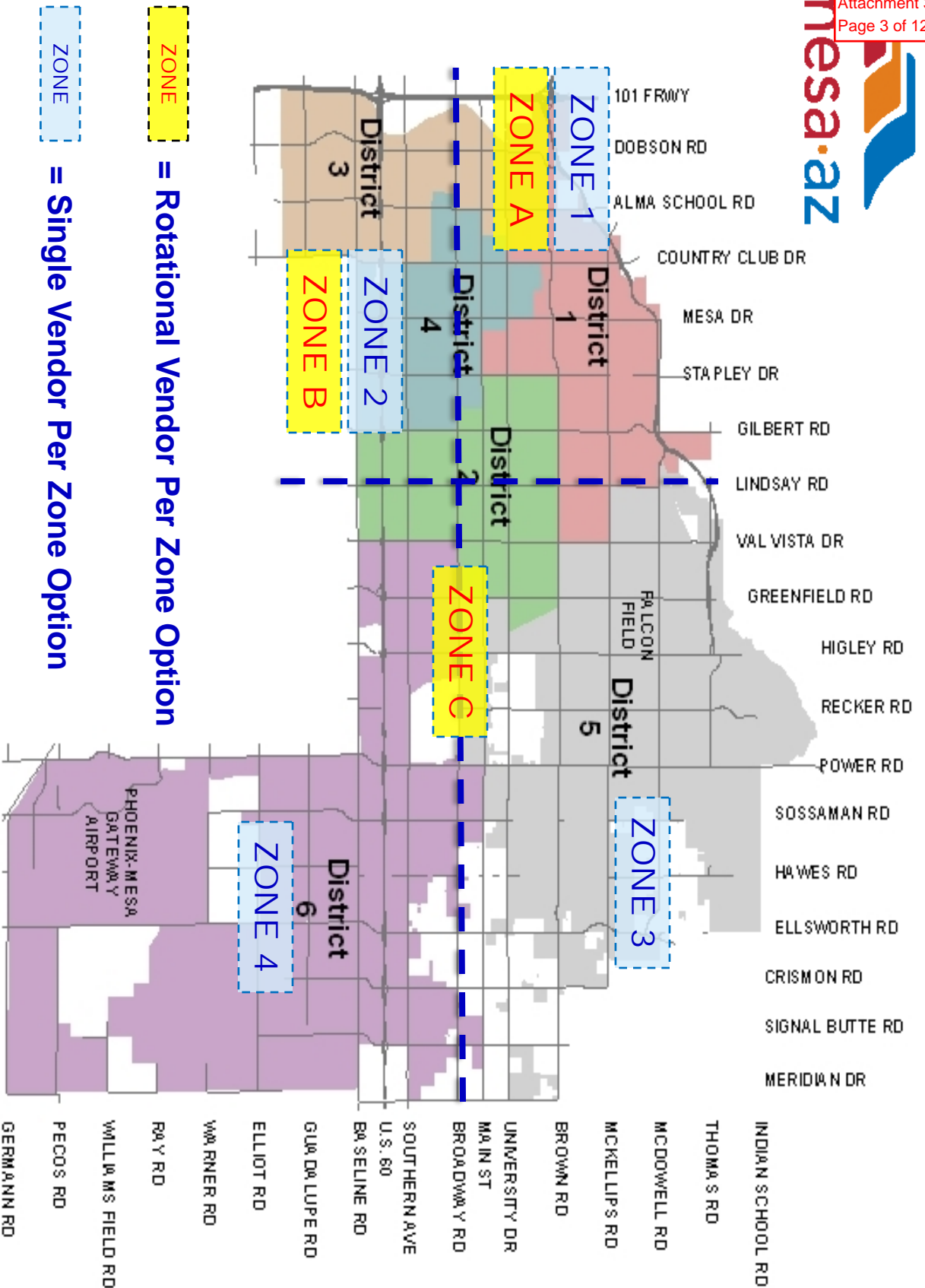
## Two Options:

1. Rotational Vendor Per Zone Option
2. Single Vendor Per Zone Option

## Both Options Include Pricing Established by the City.

- Pricing is based on current valley-wide fees for municipalities.
- Pricing may be adjusted according to model selected.







mesa·az

## Rotational Vendor Per Zone Option

### Option # 1

**Create an eligible vendor list through a Request for**

**Qualifications to provide towing services to three zones.**

- 3 Zone Configuration - Vendor List for Each Zone
- Minimum Qualifications:
  - Provide 3 trucks capable of medium and light towing
  - Located in City or County Island adjoined to City
  - Establish proper zoning
- 1 Year Contract with City Established Pricing
- No Guarantee for Towing Volume or Rotational Order
- Mandatory Signage Requirements



mesa·az

## Option #2 Single Vendor Per Zone Option

**Issue a Request for Proposal to establish a single vendor for each of four zones.**

- **Current 4 Zone Configuration:**
  - Single vendor within each zone
  - 1 to 4 vendors will be awarded a contract
  - 3 year contract with City established pricing
- **The Request for Proposal will include:**
  - Retain a minimum of 5 trucks.
  - Provide a letter of credit.
  - Provide business qualifications and references.
  - Ensure technical capability, manpower and equipment.
  - Demonstrate financial capability.





## Recommended Pricing Structure

Standardized pricing structure ensures consistent fees charged to customers.

- \$30.00 – Flat Rate Tow Fee
- \$17.00 – Daily Storage Fee
- \$15.00 – Daily Storage Fee - 30 Day (ARRS \$28-3511)
- \$47.00 – Hourly Standby Fee
- \$ 3.00 – Per Mile Fee
- \$26.00 – After Hours Gate Fee

The pricing structure will be evaluated on a yearly basis to reflect market fluctuations or concerns.

The RFP language will address viability and timeliness of notification to vendors should a price change be warranted.



# Fee Structures for Valley Agencies

| AGENCY               | MESA                                 | PHOENIX                            | TEMPE                 | SCOTTSDALE      | PEORIA          | GLENDALE      | DPS                       | MCSO                      |
|----------------------|--------------------------------------|------------------------------------|-----------------------|-----------------|-----------------|---------------|---------------------------|---------------------------|
| <b>FLAT FEE</b>      |                                      |                                    |                       |                 |                 |               |                           |                           |
| <i>Light Duty</i>    | \$30.00                              | \$29.50                            | \$28.00               | \$0.01          | \$20.00         | N/A           | N/A                       | N/A                       |
| <i>Medium Duty</i>   | \$30.00                              | \$79.00                            | \$48.00               | \$0.01          | \$50.00         | N/A           | N/A                       | N/A                       |
| <b>HOOK FEE</b>      |                                      |                                    |                       |                 |                 |               |                           |                           |
| <i>Light Duty</i>    | <i>included</i>                      | <i>included</i>                    | <i>included</i>       | <i>included</i> | <i>included</i> | \$29.00       | \$69.00                   | \$60.00                   |
| <i>Medium Duty</i>   | <i>included</i>                      | <i>included</i>                    | <i>included</i>       | <i>included</i> | <i>included</i> | \$55.00       | \$104.00                  | \$75.00                   |
| <b>DAILY STORAGE</b> |                                      |                                    |                       |                 |                 |               |                           |                           |
| <i>REGULAR</i>       | \$17.00                              | \$16.00                            | \$16.00               | \$18.00         | \$20.00         | \$15.00       | \$29.00                   | \$25.00                   |
| <i>30 DAY</i>        | \$15.00                              | \$15.00                            | \$15.00               | \$15.00         | \$15.00         | \$15.00       | \$15.00                   | \$15.00                   |
| <b>HOURLY FEE</b>    |                                      |                                    |                       |                 |                 |               |                           |                           |
| <i>Light Duty</i>    | \$47.00                              | \$74.00                            | \$50.00               | \$0.01          | \$50.00         | \$85.00       | \$69.00                   | \$60.00                   |
| <i>Medium Duty</i>   | \$47.00                              | \$74.00                            | \$75.00               | \$0.01          | \$50.00         | \$85.00       | \$104.00                  | \$60.00                   |
| <b>COST PER MILE</b> |                                      |                                    |                       |                 |                 |               |                           |                           |
| <i>Light Duty</i>    | \$3.00                               | \$3.00                             | \$4.00                | \$12.00         | \$3.00          | \$5.00        | \$4.00                    | \$4.00                    |
| <i>Medium Duty</i>   | \$3.00                               | \$3.00                             | \$5.00                | \$12.00         | \$5.00          | \$5.00        | \$4.60                    | \$5.00                    |
| <b>AFTER HOURS</b>   |                                      |                                    |                       |                 |                 |               |                           |                           |
| <b>GATE FEE</b>      | \$26.00                              | \$25.00                            | \$25.00               | \$18.00         | \$25.00         | \$40.00       | \$46.00                   | \$25.00                   |
| <b>Company</b>       | All City/Valley Express/Apache Sands | United Road Service/Western Towing | All City/Apache Sands | All City        | Western Towing  | DV Towing LLC | Rotation Multiple Vendors | Rotation Multiple Vendors |



# Performance Summary for FY 2010-2011

## Current - Single Vendor Per Zone

| <b>FY 2010-2011</b>                            | <b>Zone 1</b> | <b>Zone 2</b> | <b>Zone 3</b> | <b>Zone 4</b> |
|--|---------------|---------------|---------------|---------------|
| <b>Maximum Response Time Allowed (Minutes)</b> | <b>25</b>     | <b>25</b>     | <b>25</b>     | <b>25</b>     |
| <b>Response Time Average</b>                   | <b>10.5</b>   | <b>12.3</b>   | <b>15.5</b>   | <b>11.6</b>   |
| <b>Average Towing Events per Month</b>         | <b>278</b>    | <b>266</b>    | <b>166</b>    | <b>122</b>    |
| <b>Total Towing Events for FY10-11</b>         | <b>3,337</b>  | <b>3,195</b>  | <b>1,988</b>  | <b>1,464</b>  |

\* West Mesa vendor stages a tow truck in Zone 3 to control response time.



# Considerations

## Rotational Vendor Per Zone Option

- Provides greater equity to the vendors than the assigned vendor concept.
- Increases span of control which will increase workload for staff.
  - Monthly reports, billings and audits to track vehicles.
  - Additional points of contact to resolve errors or complaints or to locate vehicles.
  - Potential need for additional staffing.
- New system or program will be needed to perform rotation for Communications.



# Considerations

## Single Vendor Per Zone Option

- **Span of control is easier to manage.**
- **Greater incentive for businesses to plan and invest in their future.**
- **Less confusion for citizens when locating their vehicles.**
- **Greater accountability to the City of Mesa and its citizens.**
- **Document, research and resolve issues quickly with less vendors. Default notices processed more quickly to vendors.**
- **Beneficial to the City and citizens with minimal complaints.**
- **No new dispatch system required.**
- **No additional staffing needed.**

## Recommendation

**Single Vendor Per Zone Option – Issue a Request for Proposal to establish a single vendor for each of the four zones.**

- No additional staffing needed to process audits, reporting or site inspections.
- Maintain current staffing levels for span of control of vendors.
- 1 to 4 vendors will be awarded contracts.
- Pricing will be established by the City and may be revised annually.



# *Term Contract for Police Towing Services Questions?*

