CITY OF MESA
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OFFICE OF CITY CLERK

COUNCIL MINUTES

December 6, 2004

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 December 6, 2004 at 4:00 p.m.

COUNCIL PRESENT	COUNCIL ABSENT	OFFICERS PRESENT
Mayor Keno Hawker	None	Mike Hutchinson
Rex Griswold		Debbie Spinner
Kyle Jones		Barbara Jones
Tom Rawles		
Janie Thom		
Claudia Walters		
Mike Whalen		

1. Review items on the agenda for the December 6, 2004 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: 4c (Griswold); 5h, 5i, 7c, 7f, 7g (Hawker); 7f, 7g (Rawles); 11a, 11g, 11j (Walters)

Items added to the consent agenda: 11h

2. Further discussion and consideration regarding the proposed Police Department towing service RFP.

City Manager Mike Hutchinson reported that staff is finalizing a Request for Proposals (RFP) for emergency towing services which, pending Council approval, would be distributed to potential vendors. He referred to a document entitled "Emergency Towing Services, Summary of Provider Options" and requested input from the Council regarding the various options. (See Attachment 1.) Mr. Hutchinson stated that staff is recommending that the Council consider Options 1 or 2.

Assistant Police Chief Les Portee addressed the Council and introduced Traffic Sergeant Bruce Jones, Police Lieutenant Ben Kulina and Materials Management Director Ed Quedens. Chief Portee stated that the purpose of today's presentation is to provide staff with the opportunity to clarify the advantages and disadvantages of Options 1 through 5 and also to allow Mr. Quedens to respond to any technical questions the Council may have concerning the RFP.

Mayor Hawker stated that the Council is familiar with this matter and that it was unnecessary for staff to make an additional presentation.

Discussion ensued relative to the fact that the City does not currently require a background check and drug testing of tow truck drivers and that such requirements are not contained in the RFP; that the RFP specifies that tow truck drivers must be able to communicate with the Police Department's dispatch center through whatever means is available to the vendor; that staff is recommending a 25-minute response time (Mesa currently has a 20-minute response time) if the City is divided into two zones; that staff would establish specific criteria (i.e., financial and technical capabilities) that the vendors must meet in order to become eligible to participate in the RFP process; and that this agenda item is an opportunity for the Council to give direction to staff relative to the drafting of the final RFP, and that the public will have an opportunity to provide input regarding the document prior to the Council ultimately voting on the issue.

Lieutenant Kulina reported that the City of Mesa currently has four zones that are covered by one towing services contractor. He explained that the zones are established by Police Dispatch based on the total volume and capacity of calls spread throughout the City. Lieutenant Kulina advised that if the City goes to a two-vendor system, it is staff's recommendation that an assessment be conducted to determine whether it would be appropriate to further divide the City (the zones are currently divided at Broadway Road north and south and Lindsay Road east and west). He added that if the zones remain as they currently exist, staff would reevaluate the call volume later in the contract to ensure that both vendors are towing an equal number of vehicles.

In response to a question from Vice Mayor Walters, former Materials Management Director Sharon Seekins clarified that when the current towing services contract was bid, there were four zones. She commented that for purposes of bidding, the two western zones and the two eastern zones were combined into separate contracts and said that the current provider received the highest score on both contracts and was subsequently awarded both contracts by the Council. Ms. Seekins added that relative to the pricing structure, if the provider bid on only one contract or one zone and they wanted to offer a better pricing structure for the full contract (as was the case with Diversified Towing), a slightly less expensive pricing structure was offered if they were awarded the entire contract.

Discussion ensued among the Councilmembers regarding the possible ramifications if a provider bid on both contracts, but only intended to be the successful bidder on one; and that if the Council was supportive of Option 2, (Two zones; number of possible vendors: 2 or 1), the bidders could choose which zone they wished to bid on; and that staff would draft appropriate language in the RFP to address the above-mentioned scenarios.

Mayor Hawker stated that he would prefer an option wherein the City would award two contracts. He suggested that one bidder would have the ability to be awarded both contracts, but also noted that if the towing company was small enough, the City could provide an entry level position for a new towing company to service, for example, half of the City without disrupting the remainder of its business operations.

Further discussion ensued relative to the fact that if a storage facility (for the storage of towed vehicles) requires a Special Use Permit, the Offeror must provide evidence that they have applied for such permit prior to the proposal date; that under normal circumstances, the timeframe to obtain a Special Use Permit is approximately six to eight weeks; and that a final

contract would not be executed and services not initiated until all requirements are completed regarding this matter.

Councilmember Rawles voiced a series of concerns regarding the following item contained in the Emergency Towing Services Summary of RFP Specifications: "When possible, the driver will provide the customer written information, in a format approved by the City, that includes the address and telephone number of the storage yard, hours of operation, an itemized fee schedule, and maximum commercial rates for any subsequent tow of services." He suggested that it is inappropriate for the City to tell a private business the best manner in which to formulate their fee schedule and commercial rates. He also referred to the following RFP specification: "Prohibits vendor(s) from soliciting business for any body shop, wrecking yard, health care provider, lawyer or other person or business" and commented that such requirements unduly interfere with the free enterprise system. Councilmember Rawles further indicated that in his opinion, instituting an Emergency Towing Services contract is not the responsibility of the City. He added, however, if he is required to select an option, he would prefer Option 2 with the following provisions: the ability of the same provider to be awarded both contracts; that all qualifications (for example, obtaining a Special Use Permit) must be met by the effective date of the contract; and the elimination of the above-referenced RFP specifications he previously cited.

Mayor Hawker voiced his preference for Option 2 and commented that he understands staff's intent to include language in the RFP specifications concerning the prohibition of vendors from soliciting business, but noted that it may be difficult to enforce. He stated the opinion that the towing contract is a public safety issue with the Police Department, which ensures that vehicles are removed from City streets by professional and responsible tow companies as opposed to businesses that have little expertise and inadequate equipment.

Councilmember Whalen also expressed support for Option 2 utilizing one provider, but said he would be agreeable to proceeding with two providers as well. He also commented that it behooves the City to select a tow vendor who is honest and forthright with individuals whose cars are being towed and who provides them with valid information regarding reputable body shops and other services.

In response to a question from Councilmember Whalen, Lieutenant Kulina clarified that the Police Department is very satisfied with the level of service provided by the current vendor and commented that the vendor generally meets or exceeds the 25-minute response time.

Councilmember Jones, as Chairman of the Police Committee, voiced support for Option 2, including two zones serviced by a single provider for each zone, or alternatively, providers permitted to bid on each zone. He also noted that if the City goes to two zones, he would prefer that the proposed 25-minute response time be decreased to 20 minutes.

Councilmember Thom stated that she would prefer Option 4, which would divide the City into four districts (per four Police districts) and include up to four vendors.

Councilmember Griswold stated that he is in favor of Option 2, but requested that staff include language in the RFP regarding a minimum number of tow vehicles that would be required to adequately meet the terms of the contract, and also language addressing the tow to the street charge. He concurred with Councilmember Jones' suggestion to decrease the response time to 20 minutes from 25 minutes.

Vice Mayor Walters expressed support for Option 2 and said that she would not object to one vendor bidding on both contracts. She also said that she is agreeable with the 25-minute response time and commented that as the City continues to grow, she would not like to have a requirement in the contract that would result in the vendor hurrying beyond what is reasonable and safe.

Mayor Hawker commented that he would concur with the 25-minute response time, but disagreed with Councilmember Griswold's suggestion to "pre-qualify" potential bidders relative to the number of vehicles they maintain.

Councilmember Rawles expressed support for the proposed 25-minute response time.

Additional discussion ensued relative to the Evaluation Criteria as contained on the Summary of RFP Specifications.

Mayor Hawker expressed appreciation to staff for the presentation and stated that he looks forward to the final RFP being brought back to the Council for discussion and consideration.

3. Acknowledge receipt of minutes of boards and committees.

a. Board of Adjustment meeting held November 9, 2004.

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

Carried unanimously.

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

Vice Mayor Walters	Merry Main Street
Mayor Hawker	National League of Cities and Towns Conference
Councilmember Jones	National League of Cities and Towns Conference

5. Scheduling of meetings and general information.

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

Thursday, December 9, 2004, 7:30 a.m. – Study Session

Wednesday, December 15, 2004, 4:00 p.m. – Police Committee Meeting

Thursday, December 16, 2004, 7:30 a.m. – Study Session

Monday, December 20, 2004, TBA – Study Session

Monday, December 20, 2004, 5:45 p.m. – Regular Council Meeting

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

There were no items from citizens present.

8. Adjournment.

Without objection, the Study Session adjourned at 5:25 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 6th day of December 2004. 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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