

## CITY COUNCIL STUDY SESSION MINUTES

January 17, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:36 p.m. in the Municipal Building Conference Room on the 17th day of January, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Dillingham, Gallagher, Griffith, Kovach, Lockett, Spaulding, Mayor Rosenthal

ABSENT: Councilmembers Ezzell and Quinn

### DISCUSSION REGARDING TOWING SERVICES FOR THE CITY OF NORMAN POLICE DEPARTMENT PROVIDED BY OUTSIDE CONTRACTORS.

Mr. Jim Maisano, Deputy Police Chief, said the Police Department (PD) works in partnership with wrecker services in the community. He said the PD calls for a wrecker for impounds or when an owner does not have a preference on a wrecker service. He said the PD wants to ensure that when they partner with a wrecker service in the community, efficient service is provided. He said the PD is currently working to improve the wrecker policy and is seeking Council's input.

Deputy Chief Maisano said the PD conducts about 3,500 impounds or no owner preference calls per year and 60% of those calls are requests for impounds. He said wrecker services are regulated by Title 47, Oklahoma State Law, Section 595, Oklahoma Administrative Code (OAC). He said City of Norman ordinances do not regulate towing and wrecker services; however, cities are allowed to establish local policies and ordinances to govern their use of wrecker and towing services.

Title 47, Chapter 72, Section 952, states:

- Unless otherwise regulated by the governing body of the political subdivision, the wrecker vehicle used to perform wrecker or towing services requested by the political subdivision of this state for removal of a vehicle from public property for reasons listed in Section 955 of this title shall be from the licensed wrecker or towing service (through the State) whose location is nearest to the vehicle to be towed;
- Requests for service may be alternated or rotated among all such licensed wrecker and towing services which are located within a reasonable radius of each other;
- Allows for competitive bid for selection of a single wrecker service;
- The police chief or sheriff shall keep rotation logs on all requested tows and logs shall be available for public inspection upon request; and
- Exception to maintain logs include insufficient licensed wrecker or towing services to rotate such services and services are contracted after a competitive bid process.

Deputy Chief Maisano said the PD has a wrecker policy outlining regulations for wrecker and towing services that was last revised in October 1985. He said wrecker requirements were incorporated into the policy from State law and impound yard requirements were also incorporated into a City ordinance. In 1985, the PD wrecker policy initially used tow call districts whereas the City of Norman has the prerogative to geographically divide the City into wrecker districts and retain the prerogative to utilize a rotation system. He said problematic issues were identified within the current policy that consist of no designated Department Wrecker Coordinator; no procedure for a wrecker company to request to be added to rotation; no procedure for formal administrative review; no standard for call response time by wreckers; no criminal history or driving record checks are done on wrecker drivers; some definitions within the policy are not the same as State law; towing service insurance required coverage amount is incorrect; and the required equipment list is not current with State law. Deputy Chief Maisano said currently, wrecker and towing services have

unequal rotations as one wrecker service gets all vehicles from an assigned call. He said State law, which directs the Department of Public Safety, allows the use of one wrecker service per vehicle so if there is a four vehicle crash; the PD would dispatches the next four wreckers in rotation to pick up those vehicles.

Deputy Chief Maisano said the PD currently uses five wrecker companies in the City's rotation that consist of L&A Wrecker 1, L&A Wrecker 2, Quick Wrecker, Quality Wrecker, and A&A Towing Services. He said L&A Wrecker 1 and 2 and Quick Wrecker have one main office and the owners sub-divided into three companies. He said the PD currently assigns one wrecker company in a rotation no matter how many vehicles are being impounded. He said Quality Wrecker has 12 tow trucks with 10 full-time drivers. L&A Wrecker 1 and 2 and Quick Wrecker have 18 tow trucks, 10 full-time drivers, and 8 part-time drivers and drivers perform for all three companies. He said one driver may perform several tows for Norman using a truck from the different services. A&A Towing Service has 6 tow trucks, 3 full-time drivers, and 4 part-time drivers.

Deputy Chief Maisano said the PD wants to address customer service impact on citizens. He said, currently, if a citizen wants to pick up their vehicle they have to come to the PD, obtain the wrecker impound release which requires payment of any delinquent parking tickets and posting a bond through Municipal Court, then they must travel to the wrecker company to get their vehicle. He said occasionally, the citizen is transported to the hospital and all personal property in the vehicle is turned over to a third party of the wrecker company. He said the PD would like to streamline the process by allowing more of this process to be done through the wrecker companies to minimize the citizen's travel time.

Deputy Chief Maisano said wrecker drivers are not currently required to submit an annual review of their driving record or criminal history. He said taxi drivers obtain a driver's license from the PD that requires background and driving records checks and the PD would like to use the same criteria in the wrecker policy.

Deputy Chief Maisano highlighted other communities' wrecker policies in regard to required response time and vehicle release methods. He said the Cleveland County Sheriff's Office divides the County into three districts and each of those districts conduct competitive bidding for one wrecker service for each district. The University of Oklahoma (OU) also participates in a competitive bid process and uses one wrecker service for the OUPD and OU Parking Services.

Deputy Chief Maisano highlighted suggested modifications to Norman's wrecker policy as follows:

- Improve accountability by wrecker services for timely, quality, and professional service;
- Allow citizens to address all issues with vehicle recovery at one location;
- Clarify language in the wrecker policy, including modifications to incorporate current language from State law; and
- Require an annual Wrecker Driver's License that would include an annual review of driving and criminal records.

Deputy Chief Maisano said improving and updating the Wrecker Policy could consist of consideration of implementing a competitive bid process for a single wrecker service, identifying a Wrecker Service Coordinator within the PD, and including in any contract a procedure for collection of the PD's administrative fees by the contracted wrecker company.

Councilmember Dillingham asked if Staff had sought input from current wrecker service providers regarding the proposed policy and Deputy Chief Maisano said there had been discussions with wrecker companies in 2008 when Staff began working on a policy. He said, at that time, there were mixed feelings about competitive bidding vs. the rotation system. Councilmember Dillingham asked if wrecker services on Norman's rotation list only work in Cleveland County or in the metro as a whole. Deputy Chief Maisano said the wrecker companies provide various services and contract with different businesses and are not limited to the City of Norman. Councilmember Dillingham said she wants Norman to have the best service, but does not want to put anyone out of business and asked why the PD

is recommending a single provider rather than using multiple vendors. Deputy Chief Maisano said if the PD goes with annual competitive bidding, the City will have one wrecker service to address issues or complaints from citizens making it easier to monitor the company. He said response time requirements would also be addressed using one company as they would be required to have a certain number of drivers available at all times. Councilmember Kovach asked if all of the wrecker services in Norman had the equipment to tow larger capacity equipment such as fire trucks or sanitation trucks. Deputy Chief Maisano said the current and proposed wrecker policy requires wrecker companies to have six tow trucks with one medium size wrecker and one large size wrecker to tow larger pieces of equipment such as semi trucks, but the City's Fleet Maintenance Division tows its own vehicles.

Councilmember Kovach said, as far as criminal and driving records, he did not want to disadvantage drivers who have paid their dues and are trying to be a better citizen and asked what type of restrictions the PD is looking at placing on the criminal history. Deputy Chief Maisano said the PD wants to use the same restrictions currently in place for taxi drivers, which include no felony offenses being committed within the previous 10 years, drivers cannot be a registered sex offender, murderer, and/or aggravated assault would be exempt forever.

Councilmember Kovach asked Deputy Chief Maisano to elaborate on vehicle inspection requirements and Deputy Chief Maisano said that all wreckers would be inspected annually to make sure they have the proper equipment required by State law and to make sure all wenches work properly, etc.

Councilmember Spaulding asked how the City would regulate and compensate wrecker companies for collecting City fees and Deputy Chief Maisano said that would be addressed as part of the competitive bidding process. Councilmember Spaulding said if the City has a contract with a wrecker service and decides to terminate that contract, what is the time period from termination of the contract to approving a contract with another company and Mr. Rick Knighton, Assistant City Attorney, said a new contract would have to be obtained through the bidding process. Councilmember Spaulding asked what the City would do in that interim and Councilmember Dillingham felt that could be addressed and established in the wrecker policy as well.

Councilmember Spaulding asked if response time is currently a big problem or a regular occurrence and Deputy Chief Maisano said it is a regular occurrence, but he did not have the statistical data available this evening. Councilmember Spaulding felt that having a single provider could place a burden on one company. Councilmember Griffith asked what services the City is expecting out of a single bid option and Deputy Chief Maisano they want to require a minimum of two drivers during night hours and a minimum of four drivers during the day hours; have a 20 minute response time within the urban area and a 35 minute response time for far east Norman; wrecker companies would collect the City's administrative fees; and provide any special services such as indoor storage, access to lifts, etc., when needed.

Councilmember Lockett asked what effect a single vendor will have on the smaller companies that do not get the bid and how much notice those wrecker companies will get before they are no longer used. Councilmember Dillingham said she shares these concerns and asked if the policy criteria was implemented within the next 60 days would any company currently on rotation be disqualified and Deputy Chief Maisano said he did not believe it would affect any of the wrecker companies currently on rotation.

Mayor Rosenthal felt the goals of response time, driver record review, and minimum performance standards were very appropriate, but said she was aware of cities that use a bid process and contract with more than one company. Deputy Chief Maisano said those cities use zones and PD Staff had reviewed using zones, but it is difficult to divide the City equitably due to heavily populated urban areas versus less populated rural areas.

Councilmember Spaulding felt that contracting with wrecker services would be similar to the City's Code Enforcement abatement contracts. He said Code Enforcement Staff may be able to give input regarding their process, which he felt was fair and equitable. Deputy Chief Maisano said if the City continues to use a rotation system, the City would update their policy and, if wrecker services agree to all conditions, they would fill out an application requesting to be on the rotation schedule.

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Councilmember Kovach felt that wrecker companies or other qualifying businesses should have input before Council made a decision on whether or not the services should be competitively bid. Mayor Rosenthal suggested Staff gain additional information on rotation system versus an unlimited number of contractual arrangements. She said she would like the City Council Oversight Committee to review the findings and make recommendations to Council. Councilmember Dillingham agreed and said she would also like the zone concept be reviewed and felt that option would enable the PD to have more consistency from wrecker services.

Councilmember Gallagher suggested PD Staff move forward with the policy proposals and bring a draft back to Council. Mayor Rosenthal said there seemed to be support and consensus on response times and record review and the only question is the option of a single bid, zones, or continuance of peer rotation system. She said Council wants to hear from wrecker companies regarding those options and Staff should go forward with updating the policy in regards to the other goals. Councilmember Dillingham asked for clarity in terms of addressing citizen's issues with retrieving vehicles. Councilmembers agreed with going forward with policy proposals and meeting with wrecker companies for their input on competitive bidding, using a zone system, or continuing with a rotation system.

Councilmember Spaulding was concerned about potential problems with wrecker companies collecting City fees and Mr. Keith Humphrey, Police Chief, said it can be problematic, if allowed, but felt there was a way to set up a formal system for fees to be collected by wrecker companies, not drivers. He said more information can be obtained through discussions with the wrecker companies.

Items submitted for the record

1. PowerPoint presentation entitled, "Wrecker Policy, Norman City Council Study Session dated January 17, 2012"

The meeting adjourned at 6:23 p.m.

ATTEST:

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City Clerk

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Mayor