

TOW BOARD MINUTES
May 21, 2008

1. **CALL TO ORDER:** 1:38 p.m. by Chairman Marian Gaylord.

2. **ROLL CALL:**

Abma	P	Gaylord	P	Tenney	P
Baxter	A	Griffin	P	Walker-Norton	P
Ferrero	P	Madsen	P	Wilson	P
Friedman	P	Ridenour	P		

3. **RECOGNITION OF TOWERS/OTHERS IN AUDIENCE:**

<u>NAME</u>	<u>COMPANY</u>
Beatty, Don	Gerlock Towing
Benson, Eric	A & B Towing and Recovery
Coe, Gary	Retriever Towing
Diaz, Larry	PPB
Gillette, Terry	XXX Inc.
Hainline, Aaron	Gerlock Towing
Karnes, Kim	Gerlock Towing
Maciag, Jim	PPB Records, Captain
Meyer, Necole	Gerlock Towing
Phan, Daniel	Van's Towing
Preston, Steven	Sergeants/Security Towing
Reichert, Dave	Speed's Supertow
Sanford, Patrick	Safeguard Towing
Smith, Mark	ODOT Incident Response
Striker, Mike	For Van's Towing
Tran, Andy	Andy's Towing
White, Sue	Newhouse & Hutchins Towing
Yamasaki, Dawn	Revenue Bureau
Zabeti, Harry	XXX Inc.

4. **Approval of Previous Month's Minutes**

Moved by Ed Ferrero to approve the March 24, 2008 minutes as submitted. Seconded by Mark Friedman. Motion passed unanimously.

5. **Report from the Towing Coordinator**

- A. Status of Service Fee Payments: all paid timely except for Emeralds D2 & D4
- B. Status of Reports: all received timely

C. Bonding and Insurance: nothing to report

D. Tow Log: distributed prior to meeting via email, Gerlock passed one of only three requests.

Ed Ferrero moved to approve the report of the Towing Coordinator, seconded by Dick Griffin. Motion passed unanimously.

6. Old Business

A. Final approval of the Contract for Vehicle Towing and Storage 2008-2011

I. Cross District Responses (discussion moderated by Ed Ferrero): Gary Coe presented his argument in favor of allowing multiple district towers to use any vehicle that has been approved to operate under the City contract to respond to a call in any district served by the Tower. Supporting this argument is his belief that by sending the “closest” truck, Agency needs would be better served. The Towing Coordinator asserted that allowing cross-district response is unfair because it would virtually eliminate the need for multi-district towers to pass a call, denying the single district towers the opportunity to pick up passed calls. There has been no evidence presented that cross district response would improve the response times.

Previous attempts by multi-district towers to get the Board’s approval were discussed. The Towing Coordinator pointed out that towers were encouraged to keep track of the frequency of calls where a tower had an out of district truck in closer proximity but instead had to send an in-district truck that was farther away. No such information has ever been provided. The suggestion was offered again that towers should collect data showing how often this happens. The Towing Coordinator offered to work with the industry to determine the information and format that would provide the most meaningful data.

Dick Griffin moved to allow a trial period of cross-districting with a timeline to be determined. Seconded by Mark Friedman. The motion was defeated 6 opposed to 1 in favor.

Item will be placed on the July agenda for discussion and review of towers’ data.

II. Parking Enforcement release fee

Mark Friedman reported that Parking Enforcement (PE) would like to impose a release fee of \$40 on non-abandoned, regular PE tows, to recover dispatch and administrative costs. Abandoned vehicle tows may be included in the future. Fees are to be collected by the tower as a pass-through which would be billed monthly by the Revenue

Bureau. Parking Enforcement also would like to have the option of adjusting the fee annually at the contract anniversary.

A question was raised regarding whether the fee would be collected on lien vehicles. It was suggested that since other agencies and Portland Police do not, PE will likely not.

Discussion regarding process to put this fee and fee collection in place. This fee would be in addition to the cost of the parking ticket issued by PE. The fee would not apply to Tag warrants.

Discussion followed concerning the impact of the resulting 25% increase in the fee to redeem a towed vehicle, reducing the citizen's ability to pay.

It was moved by Ed Ferrero that the contract be amended to include a provision for such a release fee should one be implemented.

Motion was amended as follows: If PE implements a release fee, towers on contract will be required to administer it. Seconded by Dick Griffin.

City Attorney, Shane Abma, recommended that the motion be tabled until contract language could be developed.

Motion withdrawn by Ferrero.

B. SUSPENSION OF EMERALD'S D2 AND D4

At a Special Meeting of the Tow Board, held April 24th, Emerald's Towing was suspended from rotations in both D2 and D4. Emerald's application for the 2008-2011 Tow Contract in D4 was withdrawn. Qualifying inspections yielded numerous deficiencies at the D2 location. At the second scheduled inspection appointment, Emerald's manager Ken Jobman advised Ms. Gaylord that an IRS lien had been served in the amount of \$23,000 and that Dr. and Mrs. Park had decided to close the business. As a result, corrections to the D2 facility had been suspended and the second inspection was not completed.

Towing Coordinator reported that Emerald's is delinquent in paying the Tow Desk in the amount of \$2,349.60. A check payable to the City of Portland, in the amount of \$1,400.00 for City Service Fees was returned for insufficient funds. There has been no contact from Emeralds regarding payment on these delinquencies.

Ed Ferrero moved that Emeralds D2 and D4 be notified of the Board's decision to unilaterally terminate Emerald's contracts. Seconded by Mark Friedman.

The motion passed unanimously. Emerald's will be notified this week.

7. New Business

A. Late applicant - Daniel Phan to address the Board

Mike Striker spoke on behalf of Mr. Phan, requesting an extension of time to submit an application for the 2008-2011 Tow Contract as there was delay in procuring suitable property for the tow yard location.

Hearing no motion to allow such an extension, Mr. Phan's request was denied.

B. Appeal of the rejection of Terry Gillette based on DMV record

Chairman Gaylord asked Regulatory Specialist, Allison Madsen, to present the sequence of events leading to denial of Mr. Gillette's application to tow for United Service Alliance. The mandatory review of his driving record yielded less than five years of DMV history, due to a prolonged suspension. Motion was made by Ed Ferrero to deny Mr. Gillette's appeal. Mike Ridenour seconded. Motion passed unanimously.

C. Emergency fuel surcharge

US Government energy statistics show that gasoline has increased 38% and diesel 56% since the last rate adjustment.. Currently \$5 is built into the tow fee for a fuel allowance. The Towing Coordinator proposed a temporary \$3 fuel surcharge be added to the approved contract tow fee, to be reviewed at the July 16 2008 meeting of the Board. Ed Ferrero moved to approve the recommended fuel surcharge. Motion seconded by Dick Griffin. Motion passed unanimously.

8. Adjourn: Motion to adjourn by Ridenour, seconded by Friedman. The meeting adjourned at 3:27 p.m.