

**Towing Board of Review
Minutes
July 17, 2013**

1. **Call to Order:** The meeting was called to order at 1:41 PM by Chairwoman, Kathleen Butler.

Roll Call:

Present:, Eric Benson, Kathleen Butler, Rebecca Child, Jesse Copeland, Jenny Farres, Edward Ferrero, Glenn Fullilove, Marian Gaylord, Debra Haugen, Donald Hunter, Mike Ridenour

Absent: Dick Griffin, Jason Wallis, Helen LaFong

Recognition of Towers/Others in Audience

<u>Name</u>	<u>Company</u>
Don Beatty	Gerlock Towing
Dave Reichert	Speed's Towing
Bob Wilson	Newhouse & Hutchins Towing
Bruce Schneider	Newhouse & Hutchins Towing
Jim Jerome	Northwestern Towing
James Jerome III	Northwestern Towing
James Williams	ODOT Incident Response
Rob Riscoe	ODOT Incident Response
Chuck White	Retriever Towing
Gary Coe	Retriever Towing
Michael Coe	Retriever Towing
Dave Reichert	Speeds Towing
Andy Tran	Andy's Towing
Peter Chu	Andy's Towing
Tim Pentz	A & B Towing

2. **Approval of the Agenda - Ed Ferrero moved and Debbie Haugen seconded** amendment of the agenda to move up approval of recommended tow contractors (6a) to immediately following the report of the towing coordinator. No discussion. **Motion passed, unanimously.**
3. **Approval of Previous Month's Minutes - Debbie Haugen moved and Rebecca Child seconded** approval of the April 17, 2013 minutes, as submitted. No discussion. **Motion passed, unanimously.**
4. **(Agenda item 6a)** Review and approval of Tow Contractors for 2013-2018 term
Towing Coordinator Gaylord, reported on the recommendations for the new contract; 21 applications were received and reviewed, and inspections of facilities and equipment were completed. Criminal history and driver records will be reviewed for all owners and staff that have not been checked in the last 3 months. If an employee's driving record or criminal history reveals issues, they may be ineligible to perform duties on the contract. If an owner's driving record or criminal history reveals problems, this information will be reported to the board

for reconsideration. Insurance and bond information is still in review. Work on the contract after October 1st will be subject to the City's approval.

Gaylord introduced the point matrix and the categories for which the applicants could receive points. She pointed out that all applicants received a full 10 points in background checks and DMV, indicating only that the required information was provided in the Statement of Qualifications.

"Staffing" refers to satisfaction of the minimum number of staff required. Insurance and bonds are currently being reviewed by Deputy City Attorney, Glenn Fullilove.

Discussion followed explaining each matrix score less than 10 points. The matrix and narrative report are available.

Total of points that may be achieved in the application review is 100. The threshold for approval is 90 points. The following applicants received at least 90 points and are recommended for approval:

21st Century Towing - Districts 4, 5, and 7

9T9/Buck's

A & B Towing - Districts 2, 7 and 8

Beaver Towing

Gerlock Towing

Loop Hi-way Towing

Newhouse and Hutchins Towing - Districts 4, 5 and 8

Retriever Towing

Security Towing

Sergeants Towing - Districts 4 and 8

Speeds Towing - Districts 5 and 8

Motion by Ed Ferrero to grant all tow applicants, scoring 90 points or more, acceptance on the new contract subject to correction of the outstanding matters identified by the towing coordinator. **Seconded by Debbie Haugen.**

Discussion followed regarding concerns over performance records and confusion in criteria descriptions. Gaylord clarified that applicants would not be allowed to begin towing unless all remaining issues were resolved before October 1.

Motion passed unanimously.

The Towing Coordinator reported on two applicants not recommended for approval: Andy's Towing and Northwestern Towing. Both of these companies were previously removed from the Tow Contract for procedural violations.

Andy's Towing was removed in 2009 after investigation of undocumented extra charges on Private Non-Preference tows.

In the current application, Andy's failed to comply, as follows:
Application fee submitted late,

Unable to confirm Business License compliance,
Code of conduct failed to identify drug testing service,
Insufficient detail about in-house training, and,
No bond submitted.

Ferrero moved that Andy's Towing be denied approval for award of the 2013-2018 tow contract.

Mike Ridenour seconded the motion.

Andy Tran addressed the Board stating that he made mistakes and paid all his fines as well as refunding all overcharges. He offered to provide monthly reports to the City. The manager involved in the overcharges no longer works for Andy's. He asked the Board to reconsider its recommendation. **The motion passed unanimously.**

Northwestern Towing was removed from the Tow Contract in March, 2012 after investigation of allegations of intentional misreporting of driver numbers to conceal employment of unapproved staff.

The current application was non-responsive, as follows:
No current EEO certification,
Insurance has been canceled,
Unable to confirm Business License compliance, and,
No description of accommodations for disabled citizens.

Ferrero moved that Northwestern Towing be denied approval for award of the 2013-2018 tow contract. **Rebecca Childs seconded the motion.**

Jim Jerome from Northwestern Towing spoke to the board stating his previous manager gave out the wrong number by accident and she is no longer employed by the company.

Butler asked why they chose not to appear at the hearing to explain the situation; Jerome replied he did not want to fight with the City over it. He said the ex-manager told him he would lose money and not to go to the hearing. **Motion passed unanimously.**

In response to a question from Mr. Ferrero, the towing coordinator clarified that Andy's and Northwestern could appeal to City Council about not being chosen for the contract.

5. **(Agenda item 4) Report from the Towing Coordinator and staff**

- A. **Status of Service Fee Payments:** Contract service fee payments due in June were received late from
Gerlock
Security
Sergeants D4 and 8

Payments due in July were received late from:
Newhouse-Hutchins D4, 5 and 8
Retriever
Security
Sergeants D4 and 8

Each tow contractor will be notified and assessed a penalty.

- B. **Status of Monthly Report Submissions:** All monthly reports due in June were received late from:
Gerlock
Security
Sergeants D4 and 8

Reports due in July were received late from:
Newhouse-Hutchins D4,5 and 8
Retriever
Security
Sergeants D4 and 8

Each tow contractor will be notified and assessed a penalty.

- C. **Bonding and Insurance Status:** Jenny Farres reported no problems with current bonds and insurance.
- D. **Tow log for previous month:** Only Gerlock had a high pass percentage for both May (1 of 3) and June (1 of 5).

Mike Ridenour moved to accept the Towing Coordinator and staff reports. **Debbie Haugen seconded.** No discussion. **Motion passed** unanimously.

6. **(Agenda item 5)Old Business**

- A. **60 day review of fuel surcharge** - Information was distributed to the Board regarding gasoline and diesel prices. Ms. Gaylord reported that the average prices of both gasoline and diesel have increased again. She recommended a continuation of the fuel surcharge for another 60 days.

Rebecca Child moved to approve the recommendation and **Debbie Haugen seconded.** No discussion. **Motion passed, unanimously.**

- B. **Extension of the Abandoned Vehicle Contract to June, 2014.**
The current contract ended on June 30, 2013. Gaylord reported she spoke with both of the agencies served by this contract and found the Bureau of Buildings suspended their program and is unsure if it is coming back. Parking Enforcement confirmed they have no issues with an extension of the contract. This is the first of two 1-year extensions provided by the contract.

Ed Ferrero moved to extend the Abandoned Vehicle Contract through June 30, 2014. Motion **seconded by Debbie Haugen**. No discussion. **Motion passed unanimously**.

- C. **Six-month adjustment of the Abandoned Vehicle fee.** Ms. Gaylord explained that Parking Enforcement issues a certificate of sale on each abandoned vehicle, valued less than \$1,000. After notifying the owner of the vehicle, the vehicle can be released to the tower for auction. The tower uses a formula to calculate the amount paid to Parking Enforcement based on the current scrap metal price. This fee is adjusted twice a year.

Motion by Ed Ferrero to accept the new six month rate adjustment for the Abandoned Vehicle Contract. **Seconded by Debbie Haugen**. No discussion. **Motion passed unanimously**.

- D. **District Boundary Change - D1 and 8.** Ms. Gaylord reported that, prompted by ODOT complaints, she had analyzed the pattern of late responses by Buck's Towing in District 1. She found that responding to calls on I-5 SB between downtown and Capitol Hwy required extra time to get to a SB on-ramp. The Board was notified of a temporary boundary change giving that stretch of I-5 SB to D8. Tow Desk manager, Don Beatty, reported that this change has been an improvement.

Ed Ferrero asked if the change caused difficulty for Tow Desk knowing which company to dispatch. Mr. Beatty stated that most requests from this location are for ODOT, which often provides the best access point.

Mr. Ferrero moved that this change be made permanent. **Donald Hunter** seconded. No discussion. **Motion passed unanimously**.

7. (Agenda item 6) New Business

- A. **Retriever Towing request for Assignment of the current contract.** Gary Coe, owner of Retriever Towing, requested Board approval of the assignment of his interest to his son, Michael Coe. City Attorney, Fullilove stated that because the company is an LLC, Board approval is not necessary.

Mr. Ferrero opined that the contract language is not clear on this requirement. Chair Butler entertained a motion to revise the contract language.

Mr. Ferrero moved that the contract language dealing with assignment of the contract be revised, to address changes of management. **Seconded by Debbie Haugen**. No discussion. **Motion**

passed unanimously.

- B. **Appeal of Intent to Deny.** A letter of intent to deny approval of Timothy Pentz was sent to A & B Towing. Mr. Pentz' driving record was incomplete due to multiple suspensions. However, since the date of the letter, some infractions have aged out of the five-year review period.

Mr. Ferrero moved that driver be approved for contract work for 6 months, at which time the City will review his DMV record to determine his eligibility to continue. **Motion seconded by Rebecca Child.** No further discussion. **Motion passed unanimously.**

- C. **Request by A & B Towing to move to another D2 location.** Ms. Gaylord reported a request by A & B D2 to move to another nearby facility in the same district. She has inspected the new lot and recommends approval. **Motion to approve by Debbie Haugen. Seconded by Mike Ridenour.** No discussion. **Motion passed unanimously.**

8. Adjourn. Meeting adjourned at 3:35 p.m.

Minutes submitted by Christy Keller, Regulatory Program Specialist.