

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

February 1, 2012

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:35 p.m. in the City Council Conference Room on the 1st day of February, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Dillingham, Kovach, Spaulding and Chairman Griffith

ABSENT: None

OTHERS PRESENT: Councilmember Roger Gallagher, Ward One  
Councilmember Linda Lockett, Ward Seven  
Mr. Bobby Stevens, B&C Towing Company  
Ms. Chris Stevens, B&C Towing Company  
Mr. Mark Young, A&A Towing Service

STAFF PRESENT: Mr. Keith Humphrey, Police Chief  
Mr. Rick Knighton, Assistant City Attorney  
Mr. Steve Lewis, City Manager  
Mr. Jim Maisano, Deputy Police Chief  
Ms. Linda Price, Revitalization Manager  
Ms. Syndi Runyon, Administrative Assistant IV

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

Mr. Jim Maisano, Deputy Police Chief, said Council met in a Study Session on January 17, 2012, to discuss amendments to the City of Norman Police Department's Wrecker Service Policy. Council requested additional information and asked staff to meet with local wrecker companies for input.

Deputy Chief Maisano said the Norman Police Department's (PD) Wrecker Policy outlining regulations for wrecker and towing services was last revised in October 1985. He said problems identified within the current policy consisted 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 the new policy outlines a procedure to utilize either a wrecker rotation system or a competitive bid process; however, after further review and meeting with wrecker companies, staff believes continuation of the use of a wrecker rotation system is the best option at this time. He said both options are included in the wrecker policy so that additional corrections would not be necessary should a change in the process be needed in the future. He said modifications to the policy include:

- Annual inspections for each wrecker service in the wrecker rotation
- Wrecker drivers will be licensed through the City of Norman with criminal and driving records checked
- A response time has been established, which all current wrecker companies agree to be reasonable
- Wrecker company owners will be limited to one spot on the rotation to ensure a fair rotation schedule
- An administrative policy has been developed to address issues when any wrecker company on the rotation does not comply with the Wrecker Service Policy

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 under the modified policy, L&A Wrecker 1, L&A Wrecker 2, and Quick Wrecker will be considered as one company and be on the rotation schedule one time for more equitability in the rotation.

Deputy Chief Maisano said the PD currently assigns one wrecker company per vehicle in the rotation no matter how many vehicles are being impounded. He said the new policy will allow one wrecker service to be dispatched to one incident instead of per vehicle to be towed. He said the wrecker companies agreed this would be a best practice policy since all the vehicles involved in one accident would be towed to one location, which could benefit insurance companies, citizens, and the PD.

Deputy Chief Maisano said another issue that had been discussed is the collection of City administrative fees by wrecker companies to make the process of retrieving a vehicle from impound more convenient for citizens; however, after discussions with the wrecker companies several questions were raised that need to be researched. Staff decided this issue is too complicated to pursue at this time and needs additional research into legal issues and a comprehensive policy before addressing it in the future.

Deputy Chief Maisano believes the modifications to the Wrecker Service Policy is a move in a positive direction and will help ensure that wrecker services providing their services in the community are doing so in a safe and efficient manner. He said the policy allows the PD to partner with local wrecker companies who desire to be part of the wrecker rotation in a fair and consistent manner which promotes local business for both large and small wrecker companies.

Councilmember Kovach asked about the wrecker company's response to limiting the rotation to 'per owner' and Deputy Chief Maisano said L&A Wrecker 1 and 2 and Quick Wrecker have three rotations at this time and were not in favor of the new regulation. They indicated they have had that rotation schedule since the mid 1980's. Deputy Chief Maisano said he spoke with the Department of Public Safety (DPS) who licenses wrecker services and they allow a wrecker company owner to be on their rotation one time. The DPS said a municipality can have their own regulations and can stipulate that only wrecker companies with 20 wreckers can be on the rotation if they choose. He said A&A Towing Company and Quality Wrecker Service welcome the new regulations. Councilmember Kovach asked Mr. Rick Knighton, Assistant City Attorney, if the City could be accused of discriminating against a company because of ownership if each wrecker company meets the minimum standards. Mr. Knighton said he did not believe so because in the Court system, economic discrimination by a City does not have to be justified. Deputy Maisano said the proposed policy reads that a corporation where a licensed owner, as licensed by the DPS, can be on the City rotation one time and there is no legal requirement for the wreckers to be on rotation as it is strictly done on a voluntary basis.

Councilmember Kovach asked the timeframe for initiating the new procedures and Deputy Chief Maisano said the new regulations could go into effect the first of March or April. He said the PD will send letters to wrecker companies who can then apply to be placed on rotation. Chairman Griffith agreed the procedures should be expedited as soon as possible. He said the City should continue to work on issues regarding wrecker companies collecting fees for the City.

Councilmember Spaulding asked if there had been strong opposition from the owners on any of the proposed regulations and Deputy Chief Maisano said the only issue met with any negativity was the one owner being on rotation more than one time.

Councilmember Gallagher asked how many wrecker companies in Norman would not be used under the new policy and Deputy Chief Maisano said there are five companies licensed with DPS and they are all currently on rotation. He said the City adopts the new regulations, there will be three companies on rotation. Councilmember Gallagher asked if all the companies had the necessary equipment to move any size vehicle and Deputy Chief Maisano said yes, but the City has not inspected the equipment, which will be part of the new process. Councilmember Gallagher asked what standards would be used for the inspections and Deputy Chief Maisano said the standards are based on State statutes.

Councilmember Gallagher said there had been discussion in the Study Session regarding wrecker companies collecting an administrative fee of \$20 for the City and asked why the fee was charged. Deputy Chief Maisano said when a vehicle is impounded, the PD is required to run a records check on the tag three times to make sure it is not a stolen vehicle so the fee covers staff's time. Councilmember Gallagher asked if the fee applied if the vehicle was not being impounded and Deputy Chief Maisano said no.

Councilmember Gallagher said given the number of trains passing through Norman it is possible for wrecker companies to be delayed and asked how the City would determine a wrecker company is meeting the required 90% compliance on response time. Deputy Chief Maisano said staff discussed train and inclement weather delays with the wrecker companies and the company owners recommended the response times that were placed in the policy.

Councilmember Gallagher asked about the driver's record checks and asked what would constitute denial of a license and Deputy Chief Maisano said the PD would follow the same guidelines used for taxi drivers such as a felony convictions, registered sex offenders, etc.

Councilmember Spaulding asked if a new wrecker company started business would they just fill out the application form and be placed on rotation and Deputy Chief Maisano said yes, if they meet all the minimum qualifications.

Councilmember Gallagher asked what kind of liability insurance the companies have to carry and Deputy Chief Maisano said there is a state statute limit, which is significant coverage amounts, and the new policy will refer to the statute instead of listing dollar amounts. Councilmember Gallagher asked if that freed the City from liability in case of damage to a vehicle or injury to a person. Mr. Knighton said damages or injury would have to be reviewed on a case by case basis, but it would be assumed that the wrecker company would be liable.

Mr. Bobby Stevens, B&C Towing Company, said his company is not on rotation because he does not have enough equipment or an impound yard, but he is pleased that the City has taken the time to review the wrecker policy. He asked if a vehicle owner would be able to choose a wrecker service if there vehicle was inoperable and blocking the roadway or if the City would call a company on rotation. Deputy Chief Maisano said citizens would have the right to choose a company if they wished. Mr. Stevens said he would probably never have an impound yard, but was hoping that in the future the City Council would approve a special permit for towing companies that do not have an impound yard to be on rotation. He said some vehicles do not need to be impounded and can be towed to the owner's home. Deputy Chief Maisano said his only concern would be City employees making recommendations for a particular service. He said if the vehicle owner does not have a towing company in mind, the PD will check the rotation schedule and use the next available company.

Chairman Griffith requested the wrecker policy be reviewed at a City Council Study Session as soon as possible then be placed on a Council agenda. Councilmember Gallagher asked staff to address questions asked tonight, in writing, prior to Council review.

Items submitted for the record

1. Memorandum dated January 30, 2012, from Keith L. Humphrey, Chief of Police, to Steve Lewis, City Manager
2. Norman Police Department Wrecker Services Standard Operating Procedure
3. City Council Study Session minutes of January 17, 2012
4. PowerPoint presentation entitled, "Wrecker Policy, Norman City Council Study Session dated January 17, 2012"

MISCELLANEOUS DISCUSSION.

Ms. Linda Price, Revitalization Manager, said provided Councilmembers a brief review of an education process for Proactive Code Enforcement that will now include commercial properties. She said information will be placed on the City's website, a press release will be printed in the Norman Transcript, and information will be placed on Channel 20. She said staff will contact the Downtowner's Association, the Campus Corner Merchants Association, and the Chamber of Commerce. She felt there would not be much change as there are very few violations regarding commercial properties. She said the City will implement Proactive Code Enforcement thirty days after Council approves the resolution and staff will begin the education process during that thirty day period. Councilmembers hoped the citywide enforcement will alleviate concerns from current proactive area property owners that feel they are being singled out.

Councilmember Gallagher said he called to complain about the Grandy's property on Main Street and was told the bank owned the property and there was nothing the City could do as the property was in the process of being sold and the building would be demolished. He asked if this type of problem would be solved more quickly through citywide proactive code enforcement. He asked why the City could not have contacted the bank or the new owner for compliance. Ms. Price said she could not guarantee the process would speed up in that type of situation because there was a problem with ownership. She said the new owners did not have possession of the property and the bank was foreclosing so neither would do anything with the property. She said staff had expected a faster resolution to the problem as the new owners had obtained a building permit and staff believed demolition would occur soon; however, the process took longer than anticipated. She said she did not believe the process would be quicker, but said the City will always try to work with property owners on compliance.

Councilmember Gallagher said a house had burned down on Surrey or Sunrise and there is a porta potty in the front yard. He said the PD checked on it and said it is not being used so it is not an immediate health hazard. He said no one is working on the house and there is a commercial dumpster in the driveway as well. He asked if there was some way the City could have the porta potty and dumpster removed. He asked if they were still there because the owners were coming back to do more work on the house. Ms. Price said she did not know if more work was going to be done. She said contractors had worked on the house for quite some time and if the owner has an active building permit they can legally have the commercial dumpster at the location for trash and debris. She said she would check on the building permit status. She said the City does not govern porta potties, but if the company name is on the unit, the City can call the company to see what the status of that rental may be. Councilmember Griffith asked her to update him on the status of the building permit and porta potty. Councilmember Gallagher asked if there is a time limit on how long a commercial dumpster can stay on a property and Ms. Price said there is an ordinance that limits that to two weeks if they do not have an active building permit and Mr. Lewis said an active building permit is the key.

City Council Oversight Committee Minutes

February 1, 2012

Page 5

Councilmember Gallagher asked what department handled the commercial dumpster fees and Ms. Price said the Sanitation Department; however, there are other companies that rent dumpsters. She said if the Sanitation Departments sees a commercial dumpster on their route that is not theirs they will contact Code Enforcement if there is an issue. Councilmember Gallagher asked if out of state companies need a permit to place a commercial dumpster on property and Ms. Price said no.

Mr. Steve Lewis, City Manager, said staff is working on the Proactive Code Enforcement resolution for Council's approval on February 14, 2012.

The meeting adjourned at 6:12 p.m.

ATTEST:

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City Clerk

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Mayor