

**PUBLIC SAFETY COUNCIL COMMITTEE
MINUTES**

**TUESDAY, JANUARY 15, 2013
12:00 PM
MUNICIPAL PLAZA ROOM B**

Members Present: Councilmember David Medina, Jr., *Chair, District 5*
Councilmember Leticia Ozuna, *District 3*
Councilmember Elisa Chan, *District 9*
Councilmember Carlton Soules, *District 10*

Members Absent: *None*

Staff Present: Erik Walsh, *Deputy City Manager*; William McManus, *Police Chief*; Joe McKay, *Police Department*; Marion Gee, *Finance Assistant Director*; Rosalinda Diaz, *Office of the City Clerk*

Call to Order

Chairman D. Medina called the meeting to order at 12:18 p.m.

Chairman D. Medina recessed the meeting at 12:20 pm to convene in Executive Session, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Councilmember Chan entered the meeting during Executive Session.

Chairman D. Medina reconvened the Public Safety Council Committee at 12:55 pm at which time he noted no action was taken.

At this time, the Committee addressed Item 3.

3. Briefing and Possible Action on Non-Consent Towing Ordinance and Tow Fee Study [Presented by William McManus, Chief of Police and Marion Gee, Assistant Finance Director]

Chief McManus discussed issues with the current ordinance due to inadequate signage, lack of timely reporting, improper towing practices, and excessive tow fees. He stated that the San Antonio Police Department (SAPD) met with Ms. Liz Johnson, San Antonio Association Towing President and nine towing companies to review and make recommendations to the proposed Ordinance Revisions. He believed that most participants were satisfied with the operational regulations but had concerns regarding the financial operation.

Chief McManus outlined the following proposed revisions to Article XI:

- Report tow to SAPD within 45 minutes of removal
- Require additional signage for properties with large or ambiguous entrances
- Remove prohibition of property owner to receive signage from contracted towing company

- Penalties: change from “Each day is a separate offense...” to “Each violation is a separate offense”
- Add clause limiting the “drop fee” to no more than half the maximum tow fee
- Process to dispose of unclaimed vehicles
- Acknowledgement of State Rules and Regulations that SAPD will utilize
- Companies will provide information on how to file complaints
- Personal property must be released immediately

Mr. Marion Gee noted that the current Non-Consent Towing Fee was established with Ordinance 96242 adopted on August 22, 2002. He reported that SAPD had requested a towing fee study; therefore, letters were sent to 23 towing companies requesting financial data. He stated that only one company complied with the request. He noted that due to the lack of financial data from the towing industry, Public Utilities Staff collected information from Morningside Research & Consulting and IBISWorld Industry Report 48841 to complete their analysis.

Mr. Gee reviewed the structure of how the towing fee was calculated for light, medium, and heavy duty vehicles. He noted that a Request for Proposals for a Non-Consent Towing Fee Study was released on August 29, 2012 and was awarded to Dale Biosso & Associates Consulting. He added that the results from the study matched the Public Utilities Report.

Chief McManus stated that staff recommended presenting the ordinance revisions to the full City Council on January 31, 2013.

1. Citizens to be Heard

John DeLoach, Bexar Towing, thanked everyone for the opportunity to have an open dialogue between the towing companies and the city. He stated that a report completed in 2006 set the rate at \$133 and was never sent to the City Council. He added that all of the cities surveyed in the current report have a rotational system and that all private property tow companies have the ability to subsidize by towing vehicles from city streets which is not the case in San Antonio.

Liz Johnson, San Antonio Towing Association stated that Alamo City Recovery is in the process of closing its doors due to the tow fee that they have been held to. She has spoken with the Police Department, Finance Department and Mr. Walsh about having adjustments allowed as part of the ordinance and asked that some kind of calculation be created on a quarterly basis to adjust for inflation of fuel costs. She also requested that a tow study be conducted every four years.

Chairman D. Medina stated that he appreciated the need for consistency by the businesses but simultaneously had a concern for residents and tourists. Councilmember Soules proposed using a fee of \$177 for the next four to five years.

John DeLoach and Liz Johnson addressed the Committee and answered their questions.

Councilmember Soules proposed having a bi-annual fuel adjustment coinciding with the start date of the ordinance.

Councilmember Soules moved to accept the recommendations of the rates in the tow study along with a fuel adjustment to be made on a semi-annual basis for a period of four years and forward said item to the full City Council for consideration. Councilmember Ozuna seconded the motion. The motion carried unanimously by those present.

2. Approval of minutes of the October 24, 2012 Public Safety Council Committee Meeting

Councilmember Ozuna moved to approve the minutes of the October 24, 2012 Public Safety Council Committee Meeting. Councilmember Soules seconded the motion. Motion carried unanimously by those present.

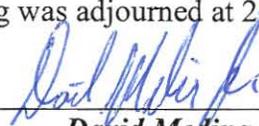
4. Consideration of items for future meetings

Chief McManus submitted the following items for consideration at the next Committee Meeting:

- P-RAM (Patrol Resource Allocation Model) Initiative
- Briefing on Property Crimes
- Amendments to Chapter 33 (Taxi Cab Industry)
- Fire Department Strategic Plan Briefing presented by Charles Hood, Fire Chief
- Amendment to allow neighborhood electric vehicles to be utilized on the road in neighborhoods

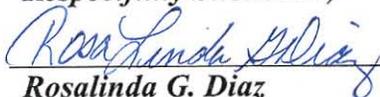
5. Adjournment

There being no further discussion, the meeting was adjourned at 2:03 p.m.



David Medina, Jr., Chairman

Respectfully Submitted,



Rosalinda G. Diaz
Office of the City Clerk