



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: SEPTEMBER 15, 2020

FROM: POLICE DEPARTMENT WARDS: ALL

SUBJECT: ORDINANCE AMENDING CHAPTER 5.15 OF THE RIVERSIDE MUNICIPAL CODE – REGULATION OF RIVERSIDE POLICE OFFICIAL POLICE TOW TRUCK SERVICE INCLUDING AMENDMENTS TO SECTIONS 5.15.020, 5.15.030, 5.15.080, 5.15.095, 5.15.100, 5.15.110, 5.15.120, 5.15.130, 5.15.140, 5.15.145, AND 5.15.150

ISSUE:

Introduce and subsequently adopt an Ordinance amending Chapter 5.15 of the Riverside Municipal Code entitled Regulations of Riverside Police Official Police Tow Truck Services including amendments to Sections 5.15.020, 5.15.030, 5.15.080, 5.15.095, 5.15.100, 5.15.110, 5.15.120, 5.15.130, 5.15.140, 5.15.145, and 5.15.150.

RECOMMENDATION:

That the City Council introduce and subsequently adopt an Ordinance amending Chapter 5.15 of the Riverside Municipal Code entitled Regulations of Riverside Police Official Police Tow Truck Services including amendments to Sections 5.15.020, 5.15.030, 5.15.080, 5.15.095, 5.15.100, 5.15.110, 5.15.120, 5.15.130, 5.15.140, 5.15.145, and 5.15.150.

BACKGROUND:

Riverside Municipal Code (RMC) Chapter 5.15 regarding Regulations of Riverside Police Official Police Tow Truck Services is the basis for the Official Police Tow Truck Service Agreement by and between the City of Riverside and an Official Police Tow Service (Agreement). An Official Police Tow Service is a towing company with a contractual relationship with the City of Riverside to provide towing services to the Police Department. There are currently Agreements with 14 towing companies.

The current Agreements have an initial two-year term with two optional one-year extensions. All 14 Agreements are in the final year of the final one-year extension and will expire on December 31, 2020. Pursuant to RMC Chapter 5.15, the Agreements cannot be extended beyond December 31, 2020.

On May 15, 2019, the Public Safety Committee considered items regarding nuisance abatement actions against abandoned, wrecked or inoperative vehicles and the Official Police Tow Truck Service Regulations. Following the discussion, the committee voted unanimously requesting: 1)

the City Manager assign staff who are not involved to mediate the tow service regulation concerns between the Police Department and the towing companies; and 2) for staff to research funding sources to potentially offset the cost of towing large nuisance vehicles and return to the City Council's Public Safety Committee in 30-45 days.

In June 2019, all 14 contractors with the Official Police Tow Truck Service were invited to meet with the City Manager's Office between June 17, 2019, and July 28, 2019 as a group or individually to discuss concerns with the current towing program. There were four meetings, representing five towing companies, held at City Hall.

In June 2019, a phone conference was conducted with the California Highway Patrol, Riverside Area, to learn about their program.

On September 18, 2019, the Public Safety Committee reviewed and discussed the Riverside Police Department towing program mediation recommendations. The Committee unanimously directed staff to continue negotiations with representatives from the Police Department and towing companies regarding the Riverside Police Department Towing Service Program and return in November 2019 to the Public Safety Committee with a recommendation or forward the matter to the City Council for further discussion.

On October 10, 2019, City Manager, Al Zelinka, met with 13 of 14 towing companies and staff to identify the outstanding concerns with the Riverside Police Department Towing Program. This meeting resulted in identifying approximately 20 concerns that were narrowed into 9 categories:

1. How to be an Authorized Tow Company
2. Rotation List
3. Passing
4. Removal and destruction of no/low value motorhomes
5. Tow Referral Fee
6. Outside Storage
7. Tow Board
8. Authorized Drivers
9. Procedure for action against a contract

On October 13, 2019, City Manager, Al Zelinka, met with 10 of 14 towing contractors and staff to discuss solutions for these concerns.

On November 12, 2019, the Public Safety Committee, following discussion, unanimously approved the proposed recommendations for changes to RMC Chapter 5.15 regarding Regulation of Riverside Police Official Police Tow Truck Service, including amendments to Sections 5.15.020, 5.15.030, 5.15.080, 5.15.095, 5.15.100, 5.15.110, 5.15.120, 5.15.130, 5.15.145, and 5.15.150; and requested staff to return to the Public Safety Committee with additional analysis or recommendations for other policy changes requested for RMC Chapter 5.15 – Regulation of Riverside Police Official Police Tow Truck Service.

DISCUSSION:

The Riverside Police Department (RPD) and the City Manager's Office continued extensive negotiations with the towing companies currently under contract with the City. Additional changes and RMC amendments were discussed in response to towing company concerns. Many of the

changes requested by the towing companies during the negotiations were considered and agreed to by staff. The amendments currently being proposed to RMC Chapter 5.15 are believed to be a fair compromise for the towing companies, as well as, Riverside residents and visitors.

The proposed amendments to RMC Chapter 5.15 include the following:

1. Authorized towing companies must have at least three trucks and three drivers to qualify for the contract. The number of operational trucks that an authorized towing company is required to have available specifically for RPD use was lowered from three to two.
2. Towing companies will be compensated for evidence holds at \$1.00/day after 30 days.
3. Towing companies may seek payment from the City if they tow a car for evidence and there is no other means of reimbursement for the services completed.
4. Reporting of tows is no longer required on holidays or weekends.
5. Towing companies may have a second storage lot within 10 miles of the City border to store junk motorhomes and low value cars.
6. The tow rates were increased from 2008 rates at the national rate of inflation.
7. RPD may go back to City Council every two years to increase tow rates.
8. The City shall, subject to the availability of funds, reimburse tow companies for the removal of junk motorhomes at a cost of up to \$1,500 upon proof of destruction.
9. The space between evidence vehicles stored by a towing company was reduced from three feet to two feet.
10. Inside storage at a tow yard may be used for other purposes when not required by the Police Department.
11. Background investigations for tow truck drivers shall be completed by RPD within 10 days of receipt of the California DOJ Live Scan report.
12. Response times for towing companies have been set at 30 minutes for light and regular duty vehicles and 45 minutes for heavy duty vehicles.
13. Discipline against a tow company will be as follows:
 - a. Less than a Suspension will be completed by the tow board.
 - b. Suspension must go through the Chief of Police, or designee, and any appeal must go through the Chief of Police.
 - c. A revocation of a contract must be reviewed by the City Manager's Office and any appeal will be reviewed by the City Manager's Office.
14. Penalties for passing are as follows within a calendar year:
 - a. On the 18th pass, a company shall receive a 30-day suspension.
 - b. Any additional passes within a calendar year are grounds for termination of the contract.
15. Towing companies may subcontract with other RPD approved companies for services they are not able to provide.
16. The term of the contract shall be three years with two additional one-year extensions.

The intent is to issue a Request for Qualifications (RFQ) to solicit proposals for Official Police Tow Truck Services and have new agreements in place prior to December 31, 2020. The agreements resulting from the RFQ will be based on RMC Chapter 5.15 and will include the proposed amendments described herein. There are approximately 56 licensed towing companies within the City limits, and an additional 20 towing companies outside of the City that are licensed to operate within the City. Staff believes that an adequate number of qualified towing companies able to

provide excellent service to the City will respond to the RFQ.

FISCAL IMPACT:

There is no fiscal impact resulting from the adoption of the Ordinance. Staff will seek input from the Budget Engagement Commission on the establishment of a fund in the amount of \$45,000 to pay for junk motorhomes at up to \$1,500 each and will return to Council at a later date for approval of funding.

Prepared by: Larry V. Gonzalez, Chief of Police
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer
Approved by: Lea Deesing, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:
1. Ordinance
2. Presentation