



Legislation Details (With Text)

**File #:** 18-301      **Version:** 1      **Name:**

**Type:** Consent Item      **Status:** Passed

**File created:** 6/1/2018      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 6/18/2018      **Final action:** 6/18/2018

**Title:** SUBJECT: Fiscal Year 2018-2019 Tow Service Agreement

**REPORT IN BRIEF**  
Consider Approving the 2018-2019 Master Tow Service Agreement.

**RECOMMENDATION**  
City Council - Adopt a motion approving Resolution 2018-47, a Resolution of the City Council of the City of Merced, California, establishing and approving the 2018-2019 Master Tow Service Agreement; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2018-2019 Tow Service Agreement.pdf, 2. Resolution 2018-47.pdf

Date	Ver.	Action By	Action	Result
6/18/2018	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Jacob Struble, Lieutenant, Merced Police Department*

**SUBJECT:** Fiscal Year 2018-2019 Tow Service Agreement

**REPORT IN BRIEF**

Consider Approving the 2018-2019 Master Tow Service Agreement.

**RECOMMENDATION**

**City Council** - Adopt a motion approving **Resolution 2018-47**, a Resolution of the City Council of the City of Merced, California, establishing and approving the 2018-2019 Master Tow Service Agreement; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

**ALTERNATIVES**

1. Approve, as recommended by staff; or,
2. Return to staff for further follow up; or,
3. Deny.

**AUTHORITY**

Charter of the City of Merced, Section 200, et seq.

## CITY COUNCIL PRIORITIES

As provided for in the 2018-19 Adopted Budget

### DISCUSSION

The current fiscal year 2017-2018 Tow Service Agreement expires on June 30, 2018. The 2017-2018 Tow Service Agreement has worked out well for both the City of Merced and the rotational tow companies. It was based in large part on the approved Tow Services Agreement utilized by the California Highway Patrol for their tow rotation program.

The 2018-2019 Tow Service Agreement will be effective from July 1, 2018 to June 30, 2019. There are some minor changes made to this Agreement from the version approved by the City Council for the 2017-2018 fiscal year. These changes were made to stay current with changes in the law and to clarify some existing language. These changes include, in pertinent part:

- Additional language was added to Section 3 (K)(1) of the Agreement [Tow Operators] so that it now states:
  - “When a driver is no longer employed by the operator, the operator shall immediately notify the MPD Lieutenant / Sergeant.”
- In section 4 (E) of the Agreement [Tow Operators Business] changed the length of time the office can be closed for lunch from 1 hour to 30 minutes.
- In section 4 (E)(3) of the Agreement [Tow Operators Business] adds language to clarify and define normal lunch hours are between 11:00 a.m. and 2:00 p.m.
- In section 8 (H) of the Agreement [Tow Truck Drivers] removes a conviction for driving while under the influence of alcohol or drugs as a cause to deny an individual from driving a tow truck in the tow rotation.
- In section 12 (G)(1) of the Agreement [Rates] added language the Tow Operator can't charge a surcharge for use of credit card payment.
- Throughout the 2018-2019 Tow Service Agreement the language was amended to include Lieutenant / Sergeant. The Merced Police Department should have a designated Traffic Sergeant in place during this agreement, thus allowing the Traffic Sergeant to oversee the agreement.

Currently there are eleven (11) tow companies on the Merced Police Department rotational tow list that have been operating under the 2017-2018 Tow Service Agreement. These companies are: AG towing, Allways Towing, Bill's Towing, C&S Towing, Pete's Auto Body, P&G Towing, Rich's Auto Body, Merced City Tow, TNB Towing, Takin Towing, and Freitas Auto Wrecking.

All of the Tow Companies listed above have participated in the Merced Area California Highway Patrol open enrollment inspections. This was done to ensure all equipment that will be used on the Merced Police Department Tow Rotation is safe.

There is a need for a Tow Service Agreement to be in place between the City of Merced and the tow companies on the Merced Police Department rotational tow list. By having this Agreement in place, it allows the City of Merced Police Department to oversee the tow companies providing services for the Department's tow rotational list. This helps ensure that the residents of Merced are being treated fairly and professionally. Specifically, the 2018-2019 Tow Service Agreement allows for the Merced Police Department to inspect the tow companies' equipment and facilities to ensure they are being kept up to the standards outlined in the 2018-2019 Tow Service Agreement. By inspecting the tow companies' equipment and facilities, the Merced Police Department can ensure the safety and fair treatment of the residents of Merced.

### **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

### **ATTACHMENTS**

1. 2018-2019 Tow Service Agreement
2. Resolution 2018-47