



Legislation Details (With Text)

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**Title:** Actions pertaining to three-year Non-Exclusive Franchise Tow Agreements  
 1. \*\*\*RESOLUTION - To grant non-exclusive franchises to specified tow operators (Subject to Mayor's Veto)  
 2. BILL - (For introduction) - Amending Section 9-1707 of the Fresno Municipal Code, relating to investigation regarding tow trucks

**Sponsors:** Police Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution.pdf, 2. Exhibit A - List and Tow Agreements.pdf, 3. Ordinance.pdf

Date	Ver.	Action By	Action	Result
4/5/2018	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**April 5, 2018**

**FROM:** JERRY P. DYER, Chief of Police  
Police Department

**THROUGH:** ANDREW HALL, Deputy Chief  
Police Department

**BY:** RICHARD TUCKER, Lieutenant  
Traffic Safety and Support Services Section

**SUBJECT**

Actions pertaining to three-year Non-Exclusive Franchise Tow Agreements

- \*\*\*RESOLUTION - To grant non-exclusive franchises to specified tow operators (Subject to Mayor's Veto)
- BILL - (For introduction) - Amending Section 9-1707 of the Fresno Municipal Code, relating to investigation regarding tow trucks

**RECOMMENDATION**

It is recommended that Council approve the Resolution of Intention to authorize the Chief of Police to

execute a three-year Non-Exclusive Franchise Tow Agreement with 29 local tow operators for the towing and storage of vehicles impounded by the Fresno Police Department. It is also recommended that the Council amend Article 17, Chapter 9, Section 9-1707 of the Fresno Municipal Code (FMC) as it relates to tow trucks, which is introduced in these materials.

## **EXECUTIVE SUMMARY**

The Non-Exclusive Franchise Tow Agreement (the “Agreement”) with the tow operators will replace the existing Agreement which expired on December 28, 2017. Upon expiration, each of the tow operators entered into a month-by-month contract extension with the City of Fresno, which was allowed pursuant to the terms of the previous contract. The Agreement contains subtle changes, including modification of the provision related to additional terms and conditions. This Agreement will allow for two, one year extensions, if both the City and the tow operators consent to the extensions. The additional one-year extensions will allow for a five-year term of the Agreement.

Article 17, Chapter 9, Section 9-1707(f) of the FMC currently requires the City to add tow truck companies to the Fresno Police Department tow truck rotation list if we have less than thirty companies. Article 17, Chapter 9, Section 9-1707(f) will be amended to allow for additional companies to be added if the tow truck rotation list drops below twenty. The reduction of tow truck companies will only be reduced through attrition, resignation, or through termination by breach of the Agreement. The reduction of companies will allow for closer oversight and accountability of tow truck companies.

The proposed Agreement and changes to Article 17, Chapter 9 of the FMC have been reviewed and approved by the City Attorney’s office. The insurance requirements and indemnification provisions have been reviewed and approved by the City’s Risk Manager.

## **BACKGROUND**

The Agreement closely mirrors our previous Non-Exclusive Franchise Tow Agreements that have been in effect for the last six years. The Agreement will continue to allow our local tow companies to release impounded vehicles directly from the tow yard seven days a week. The tow operators will continue to collect the City’s administrative fees from the registered owners, or pay the administrative fees for those vehicles not picked up by their owners.

The Agreement also continues to mandate that tow companies utilize Dispatch and Towing Software (DTS). DTS allows the Police Department to manage, control, and audit our contracted tow companies. This software provides an internet portal to assist citizens with locating their impounded vehicles and allows them to view an invoice associated with the impounded vehicle. DTS has been extremely beneficial in providing oversight of our tow operators and tracking vehicles that have been impounded by the Police Department.

The Agreement has been reviewed and approved as to form by the City Attorney’s Office and by the Risk Management Division.

## **ENVIRONMENTAL FINDINGS**

Not applicable since the amendment and agreements do not constitute a project.

## **LOCAL PREFERENCE**

Not applicable since no goods or services are being procured by the City.

## **FISCAL IMPACT**

There is no impact to the General Fund.

### Attachments:

- Resolution
- Exhibit A - List and Tow Agreements
- Ordinance