

**CITY COUNCIL WORKSHOP MEETING
COUNCIL CHAMBERS
May 6, 2010, 8:30 a.m.**

The City Council of the City of Abilene, Texas, met on May 6th, at 8:30 a.m. in the Council Chambers, 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, Stormy Higgins, Joe Spano, Anthony Williams, Robert O Briley, and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and Assistant Chief of Police Doug Wrenn.

Councilman Williams gave the invocation and Mayor Archibald led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald read the Proclamation for the National Day of Prayer. There will be a prayer meeting downtown at 12:00 noon today in recognition of the National Day of Prayer.

Doug Wrenn Assistant Chief of Police briefed the Council on the Ordinance regulating Tow Truck Services in the City of Abilene.

Current practices

- We predominately refer all towing violations to the Texas Department of Licensing and Regulation for follow up.
- Our only regulations on a local level are stipulated in our guidelines associated with our internal Tow Truck rotation list. This is maintained by the Police Department.
- These guidelines do not cover companies that are not on a rotation list with the Police Department.
- Some of the most serious or pervasive complaints about towing companies have come from companies not currently on rotation with the Police Department.

Intent of the Ordinance

The ultimate goal of this ordinance is to give us a more effective tool in dealing with various complaints from the community regarding non-consent tows. This will be done by:

- Creating a permitting process that will require each tow company to obtain a permit prior to performing non-consent tows in the City of Abilene.
- By way of this permitting process, it would insure that every company is meeting the minimum standards as set forth by the Texas Department of Licensing and Regulation and would also grant the Police Department immediate knowledge of their compliance.
- Establishing a maximum fee for private property tows. This will help resolve some of the pricing complaints we have seen in recent years.

- Require notification to the Police Department when a vehicle is removed from private property. This must be done within 15 minutes of the tow as opposed to the State requirement of 2 hours. (mistaken stolen vehicle reports)
- Require that non-consent tows on private property be accompanied with specific permission from the property owner to initiate the tow.
- Not allowing the parking or storing of towed vehicles in the public right-of-way.
- Specifies that those companies that perform police-initiated non-consent tows will do so pursuant to a contract with the City of Abilene.

By having an ordinance that addresses some of these issues, the citizens will have a more responsive avenue for appeal as opposed to being told to call the State.

Changes since 1st reading

- We amended the authority of private property owners and leave them the authority to tow a vehicle off of their property WITHOUT any written permission if the vehicle:
 1. Has remained on the property without the owner's consent for 30 minutes or longer.
 2. obstructs a traffic aisle, entry, or exit of a parking facility.
 3. Prevents a vehicle from exiting a parking space in the facility
 4. Violates the disabled parking laws (handicapped parking)
 5. Is leaking fluid that presents a hazard or threat to persons or property.

Numbers 2 thru 5 are pursuant to Occupations code 2308.251

These changes were made based upon the concerns of Diane Black and Tammy Kister

- We are presenting council with a secondary ordinance proposal that will delete the permitting section of the ordinance. In talking with the Texas Department of Licensing and Regulation we feel as though we can use the state laws on the books already to enforce the violations we have encountered.

These changes were made based upon the concerns of the tow operators of Abilene as well as concerns of staff.

Current System

Authority to adopt an ordinance such as this comes from the Occupations Code 2308.208.

Permitting Highlights

- Will require that every company maintain their State requirements as specified by the Texas Department of Licensing and Regulation.
- Will allow the Police Department to inspect the permit holder's equipment, trucks, and facilities.
- The tow companies will be required to provide to the City of Abilene the following:
 - Their operator's licenses for either Incident Management Towing or Private Property Towing depending on the type of tows that they do.
 - Their license holder's continuing education requirements
 - A copy of each tow truck's cab card

Administrative penalties for violations within the ordinance will range from warnings, suspensions and revocations but we will now have a more consistent process for appealing of disciplinary actions.

Council and Staff discussion included: 1) Major problems are with apartment complex tows; 2) disclosure of pricing; 3) no teeth in the state law; 4) concern that the City would be setting pricing, are we over stepping our boundaries by doing so; and 5) Occupation code – amended during the last legislation session.

Mayor Archibald opened up the meeting to the Tow Truck Operators that might want to speak to this ordinance and the council heard from the following:

- Jeannette Kingery – John’s Wrecker Service. Ms. Kingery spoke against the city trying to regulate the Tow Truck operators. She believes that other wreckers are not obeying the current rules and believes that education and public awareness instead of the city regulating the Tow Truck operators is the way to go.
- Theron Durant – Durant’s Automotive & Wrecker Service. Mr. Durant spoke in support of what the Police Department is trying to do through this ordinance. Mr. Durant believes that there needs to be a local authority that Tow Truck drivers can sign-up with and provide oversight over local tow truck services.

This item will come back to the City Council at a Regular meeting for a Final Reading and Public hearing.

There being no further business the meeting was adjourned at 9:47 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor