

**State of Texas
County of Bexar
City of San Antonio**



**Meeting Minutes
City Council B Session**

Council Briefing Room
City Hall
100 Military Plaza
San Antonio, Texas 78205

2023 – 2025 Council Members

Mayor Ron Nirenberg

Dr. Sukh Kaur, Dist. 1 | Jalen McKee-Rodriguez, Dist. 2
Phyllis Viagran, Dist. 3 | Dr. Adriana Rocha Garcia, Dist. 4
Teri Castillo, Dist. 5 | Melissa Cabello Havrda, Dist. 6
Marina Alderete Gavito, Dist. 7 | Manny Pelaez, Dist. 8
John Courage, Dist. 9 | Marc Whyte, Dist. 10

Wednesday, September 20, 2023

2:00 PM

Council Briefing Room

The City Council convened a B Session meeting in the Council Briefing Room beginning at 2:06 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Council Members present:

PRESENT: 10 – Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage

ABSENT: 1 Whyte

ITEMS

1. Pre-Solicitation briefing for a Professional Services Agreement to provide the City and SAPD with Management of Municipal Towing and Impound Operation Services. [Maria Villagomez, Deputy City Manager; William McManus, Chief of Police, Police Department]

City Manager Erik Walsh provided an overview of the towing and impound contract noting that the existing contracts had been extended to ensure appropriate time for the solicitation. He mentioned that Joint Base San Antonio (JBSA) was interested in acquiring the 3625 Growden Road impound lot on City-owned property, so this had been taken into consideration.

Richard Riley, Assistant Director for San Antonio Police Department (SAPD), provided an overview of the towing services contract which included dispatch, police-initiated towing and recovery, towing management, impound, vehicle management and possible relocation to a new location. Riley stated that the goal of the towing contract was to protect public safety, maintain clear roads, remove abandoned vehicles from streets and performance measurement. He listed impound goals as assisting residents with the retrieval of vehicles, investigative evidentiary storage; all in a secure and environmentally safe facility.

Riley stated that the current towing contract was held by United Road Vehicle Management Solutions (URVMS) and the impound was currently under contract with Alanis Wrecker Service. He noted that both contracts had been extended through September 2024 to allow proper procurement of services. Riley stated that JBSA was interested in the Growden Road property to expand its Munitions storage as the property was adjacent to JBSA.

Riley provided statistics on towing arrival times and the number of tows annually as well as the currently approved fee structure and annual revenues of over \$10 million. Riley provided statistics on the number of vehicles impounded and auctioned, noting that about 20% of the impounded vehicles were auctioned. He listed the approved fee structure and annual revenues of over \$16 million for impound.

Riley stated that the City intended to release one Request for Proposals (RFP) that consolidated the two functions of towing and impound into one 10-year contract for the best value of the City with a total estimated value of \$23 million annually. Riley provided information on the solicitation outreach process, listed the Evaluation Committee Members and the scoring criteria which included goals for the Small Business Economic Development Advocacy (SBEDA) policy. He added that the solicitation would ask the respondents to provide two options: 1) Continue operating at Growden Road or 2) Operate at one or more locations not including the Growden Road facility.

Riley stated that the plan was for respondents to the solicitation to automate the lifecycle of a tow, allow residents to locate their vehicles, optimize tow dispatch, provides records of service and auctions as well as separate systems for collection of Private Property Impounds (PPI) for the City. Riley concluded his presentation by providing a timeline for the solicitation and contract.

DISCUSSION:

Mayor Nirenberg commented that this was a service that we only heard about when there were complaints, however, he supported improving technologies and services through multiple lots that might be closer to the residents. He cautioned against paving greenspace for more lots. He asked how the pricing would be scored. City Manager Walsh stated that the towing revenues were set by the vendor in the contract and currently residents were charged \$210. Riley described the process as a revenue neutral process and just a pass through. Mayor Nirenberg wanted to ensure that the lower resident cost was scored higher. Riley noted that the State of Texas set a maximum amount of \$275 and we were well under that amount right now.

Councilmember Rocha Garcia commented that the Growden Road impound lot was in Council District 4 and she had proposed working with JBSA to relocate the lot and agreed with the

Mayor's concept of having multiple lots around the City. Councilmember Rocha Garcia commented that a few years ago, the City conducted a feasibility study on multiple lots. Deputy City Manager Villagomez stated that the study was of peer cities around the country and evaluated different scenarios and best practices. Deputy City Manager Villagomez noted that the City did not own a property large enough to replace the Growden Road location in one place but there were benefits to multiple lots. Councilmember Rocha Garcia recommended adding another woman to the evaluation panel.

Councilmember Rocha Garcia stated that General Juan Ayala, Director of the Military and Veteran Affairs Department, had indicated that this would help make JB SA more immune to potential Base Realignment and Closure (BRAC). She noted that the Munitions Support Area locally was currently in Arizona and having it local would be beneficial. She asked about environmental testing since Leon Creek was nearby and noted the small waiting area, poor accessibility for the disabled and lack of paved parking. Riley stated that there were environmental studies and mitigations already occurring, but the department was hesitant to make improvements to the Growden Road facility if it was going to be transferred to JB SA.

Councilmember Cabello Havrda recommended that customers be provided with surveys and that staff ensure that all standards were met to ensure proper management of private property. Councilmember Cabello Havrda recommended that the proposers take into consideration the City Council or neighborhood priorities when they proposed other impound lot options. Deputy City Manager Villagomez stated that the optional locations would be evaluated and the locations could be discussed during the pre-solicitation conference including any recommendations or restrictions. Councilmember Cabello Havrda expressed concern that the respondents really should not be expected to know the City's priorities and asked if there was a preference for bidders with special needs. City Manager Walsh stated that there was not a current preference program for persons with disabilities.

Councilmember Alderete Gavito asked how many acres were needed. Riley stated that the Growden facility was located on 40 acres but multiple locations would be smaller and combines would add up to the 40 acres. Councilmember Alderete Gavito recommended providing community and neighborhood plans to the potential respondents and added that she did not want to take up more green space for an impound lot.

Councilmember Alderete Gavito suggested that the respondents might be partners. Deputy City Manager Villagomez stated that staff anticipated that it would be a competitive process. City Manager Walsh recommended adding guidance in the RFP regarding regional plans and proximity to residences but suggested that an existing parking lot might be cheaper to develop than a newly paved one.

Councilmember McKee-Rodriguez clarified that the relocation of the facility would be factored into the RFP and agreed that there should not be more green space paved over within our community. He recommended review of the towing rates from an equity lens such as who was most often towed, their demographics and income levels and suggested that the City could set a maximum fee in the solicitation. City Manager Walsh noted that the largest number of cars in the impound lots were cars that had been in an accident and that stolen vehicles fees were waived.

Riley provided some rates from peer cities. City Manager Walsh suggested that more points could be allocated toward pricing to emphasize that price was more important, and proposals could include strategies to make the pricing more equitable.

Councilmember McKee-Rodriguez suggested that a consumer advocate could be added to the evaluation panel. Riley stated that he would look at enhancing the panel composition based on City Council feedback.

Councilmember Castillo stressed that Council District 5 had metal recycling plants but the vehicles that had been wrecked and were towed to the recycling plant, debris would fall off so she suggested that the towing company should be required to ensure that the debris was collected around the new impound lots. She also supported the technology to improve the customer experience and did not want to pave over greenspace.

Councilmember Pelaez asked if there were background checks for tow truck drivers and were there crimes that would exclude them from being a tow truck driver. Riley stated that they were required to have background checks but merely having a history of minor theft did not disqualify them, however, the State had a list of crimes that excluded them. Councilmember Pelaez supported only enforcing the State list of exclusions, not exceeding it to allow more Ready to Work participants and others to get jobs.

Councilmember Pelaez recommended environmental testing of the property before transfer to JBSA or purchased by the City for future lots. Segovia assured the Councilman that environmental reviews were always required during real estate transactions. Riley stated that one of the requirements was to build a containment area to catch leaks and contain them since many of the cars were wrecked. Segovia mentioned that there were separate regulations for storage and disposal.

Councilmember Pelaez expressed concerns about the environmental impact, green spaces and the fact that certain areas of town always seemed to be the victims of environmental injustices and wound up with undesirable businesses in their neighborhoods. Councilmember Pelaez suggested requiring the vendor to remove the fuel from vehicles before towing to eliminate potential leakage. Riley stated that there were separate costs and procedures for large vehicles such as 18-wheelers.

Councilmember Pelaez suggested that Electric Vehicles (EV)s could pose a challenge and suggested inclusion of EVs in the contract including consideration of potential issues with fire and disposal of batteries. Segovia noted that the automakers were providing guidance on how to deal with vehicles after accidents including batteries from EVs.

Councilmember Viagran suggested settling with JBSA before issuing an RFP but recognized the timeliness of the process. She asked about having one impound lot on the northside and one on the southside versus one on the eastside and one on the westside. She commented on the new street racing laws that might end in more impounds that needed to have closer impound lots. Councilmember Viagran commented that just because a lot is near your home it did not mean that is where your vehicle would be towed.

Councilmember Viagran commented that it was important to have restricted access to technology and she did not want to see fraud perpetuated. Councilmember Viagran also supported adding another woman to the panel.

Councilmember Kaur asked about how vehicle owners were notified if their vehicle was impounded and before it was auctioned. Riley stated that before a vehicle could be auctioned, a letter was sent to the home of the registered owner multiple times; further, the impound company determined that the vehicle owner was not a member of the military. She recommended towing cars to locations near the homes of the registered owner.

Councilmember Kaur suggested that points could be added for alignment with the City's Equity Plan. City Manager Walsh felt that the Equity Plan would be too broad for them to respond to. Segovia stated that the Diversity, Equity, Inclusion and Accessibility (DEIA) Department would review the solicitation to help link outcomes with the equity principles. Councilmember Kaur commented that the notification cost was \$50. Riley stated that the \$50 was set by State Law and was collected by the contractors.

Mayor Nirenberg suggested that the City Council concerns be included in the RFP and pre-solicitation conference.

Councilmember Pelaez suggested increasing the SBEDA subcontracting goal higher than the maximum amount of 40% and 10% for local preference. Sindon stated that 40% was the maximum allowed for SBEDA. Ray Rodriguez stated that the SBEDA Ordinance was based on factual predicate established in the Disparity Study. Segovia suggested that the City Council review the Local Preference Percentage Ordinance but not for this specific solicitation. City Manager Walsh stated that updating the Local Preference Program was a broader conversation beyond this contract. Councilmember Pelaez suggested that the Economic and Workforce Development Committee discuss the Local Preference Program.

Councilmember Rocha Garcia commented that when there were accidents, it was the tow truck's responsibility to pick up the debris. Riley stated that there were inspectors that checked for compliance with that component of the contract by the towing company and he would provide a phone number to report debris. Councilmember Rocha Garcia noted that Growden Road Impound Facility was along the Howard W. Peak Greenway Trails and Camargo Park and asked how the location was initially selected. She commented on an incident where there was a mobile home involved in an accident that took a long time to be removed. Riley stated it was eventually determined it that was on Texas Department of Transportation (TXDOT) property but the cost was very high because of the size of the load.

Councilmember Viagran supported a review of the Local Preference Program but cautioned that some towing companies were predatory and treated women differently than men so she recommended a review of complaints against them when they bid, including their subcontractors. Riley stated that the Tow Manager was responsible to ensure its subcontract towing companies were properly vetted. Councilmember McKee-Rodriguez recommended representation of women and people of color on all Evaluation Committees.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting into Executive Session at 3:42 p.m. to deliberate and discuss the following:

- A. Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B. The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C. Legal issues related to litigation involving the City pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Legal issues relating to emergency preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Nirenberg reconvened the meeting in Open Session at 4:23 p.m. and announced that no official action was taken in Executive Session.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:23 p.m.

Approved

**Ron Nirenberg
Mayor**

**Debbie Racca-Sittre
City Clerk**