

# **City of Gainesville**

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Meeting Minutes**

**Thursday, March 17, 2005**

**9:00 AM**

**City Hall, Ground Floor, Room 16**

## **Public Safety Committee**

*Commissioner Tony Domenech, Chair  
Commissioner Ed Braddy, Member*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER

*Commissioner Domenech called the meeting to order at 9:00 a.m.*

Present: Edward Braddy and Tony Domenech

## ADOPTION OF THE AGENDA

*Commissioner Braddy moved and Commissioner Domenech seconded approval of the agenda as presented.*

## APPROVAL OF MINUTES

*Commissioner Braddy moved and Commissioner Domenech seconded approval of the February 17, 2005 minutes as presented.*

## DISCUSSION OF PENDING REFERRALS

### **040297 Taxi Cab Companies Safety Violations**

*After having an additional month to review the draft of the amended ordinance provided by Assistant City Attorney Ron Combs at the February meeting, Commissioner Braddy deferred to Mr. Combs and Captain Benck for any additional comments. Captain Benck felt that everything in the ordinance was favorable for citizen safety and more equitable for Taxi Cab companies as well.*

*There were no citizen comments to this item.*

*Commissioner Domenech suggested a revisit to this item in a year to see if it needs any modification.*

*The Public Safety Committee moved to report this item out to the full City Commission with the recommended amended ordinance.*

**RECOMMENDATION** *The Public Safety Committee complete discussions on this item and report this out with a recommendation to the full City Commission*

**Discussed**

### **040703 Parking "Boot" on Private Property**

*Mr. Rainbow was unable to attend the meeting, however, was aware the committee would continue discussions.*

*Assistant City Attorney Ron Combs had surveyed Gainesville's peer cities as listed by the Economic Development Office and found only two that had provisions for booting*

*on private property and only one referenced booting by the property owner. Ordinances of non peer cities were also reviewed and the information was attached to the agenda. The two peer cities were Madison, Wisconsin and Tampa, Florida. Further contact with the Madison Police Department revealed that they no longer allow booting by private property owners, but that had not yet been reflected in the on-line ordinance page. There was some liability issues raised but the spokesperson was not specific.*

*Tampa reported no problems. Mr. Combs advised that Tampa's ordinance and many of the others that regulate booting are similar to Gainesville's towing ordinance that one could take the City's towing ordinance and substitute "booting" and in essence, that is what the City of Tampa permits. It does not apply to a particular property owner, however, it licenses companies to do the booting. The booting company would be required to apply for a license, have a permit, and have insurance just as a towing company requirement. The business/property owner would contract with the booting company so it is not the owner who is booting but the company they have contracted with. The same issues that the City deals with concerning the towing companies would be replicated with booting companies.*

*Mr. Combs stated that he believed that Mr. Rainbow was looking for a simplified solution where he would be able to boot, get the money, and it would be over - perhaps deterring future violators. He did not believe Mr. Rainbow realized the licensing requirement, the insurance requirement and the fact that someone had to be available 24 hours a day, in case the vehicle owner didn't return within 30 minutes. In addition, in the Madison ordinance the owner of the vehicle would not have to pay to get the boot off at that time, but would have to sign something saying they would pay or appeal within a certain length of time. The business owner may still not get compensated and it would be a civil case. He stated he felt this is probably more complicated than Mr. Rainbow had in mind.*

*Another reason for the booting recommendation was that Mr. Rainbow said that by the time the towing company arrived, the vehicle was gone. This problem would still exist using a booting method if not done by the property owner. Additionally, if a violating vehicle were booted, that would also keep a valuable parking space occupied.*

*The Commissioners empathized with the property owner to be able to defend his few parking spaces that could result in a customer going to another bookstore if they didn't have a place to park. However, it seems the booting alternative may not be worth it.*

*The Public Safety Committee recommended sending Mr. Rainbow the report as presented by Mr. Combs, and a letter from the Chair that states that based on this report, the Committee is inclined to recommend no action be taken and remove it from the agenda. If Mr. Rainbow wishes to present additional information or challenge the committee's recommendation, the committee would keep it one more month.*

**RECOMMENDATION** *The Public Safety Committee receive a staff report and continue discussions.*

**Discussed****041034 Roam Towing Fee Reduction (B)**

*Commissioner Domenech recognized Mr. Mike Weber and Mr. David Idleman from Superior Towing to address the committee. Mr. Weber mentioned that they started Superior Towing company about four months ago and the primary reason was due to the negative feedback they had received from students and the community about towing. They feel that they are being (1) over charged by the City's set rate and (2) by the lien letter fee and the administrative fee, which by law has to be done within 7 days. The companies are charging an additional \$90.00, and are charging the fees after the 2nd day, and basically the service hasn't been provided yet.*

*Mr. Weber stated he would like to see something written that the towing company has to show proof of what they are charging for and require tow companies to have the correct name and phone number on their trucks, (drivers will drive into a tow away area, get out and put a magnetic sign over the other company's name and pull the car off of the property). When vehicles are sold at auction, there is a law that requires any money obtained over the lien amount be deposited with the Clerk of the Court. Mr. Weber felt that this was not being done and there is no way to enforce this.*

*He stated his belief that there are companies taking advantage of the people and the community by not paying taxes on what they should pay taxes on. He also commented that the application for certificate of destruction or title must be made within 30 days of a public sale or a \$10.00 penalty is due, and commented this also is not being enforced, and feels the city is missing out on a lot of money.*

*Mr. Weber stated that he wants to fix what the City already has instead of making a committee that hears all the problems. The committee is not really able to take care of an issue but can only bring it to the forefront to the community. In Mr. Weber's opinion, that is not addressing the real problem, which is, getting some of this taken care of and making the companies responsible.*

*Mr. David Idleman attempted to show the amount needed to sustain the fixed expenses for a fictitious towing business at the current 'cost per tow' rate. He compared a lockout or repair tow cost of \$35.00 to the roam towing cost of \$76.00 per tow. Mr. Weber mentioned that he has been part of the Towing Advisory Board since its inception, and believes it has the capability of being a great outlet for the community but feels it has been ineffective. He suggested a more valuable tool would be a pamphlet or web site where the community can log on if they have a problem, instead of having to attend and schedule a meeting. Mr. Idleman believes the recommendations from the Towing Advisory Board have not been that effective when reviewed by the Public Safety Committee or Commission. In conclusion, Mr. Idleman mentioned that a lot of the complaints are generated when the people go to pick up their cars, and they feel that aren't being treated fairly and respectfully.*

*Chief Norman Botsford stated that he knew that Mr. Idleman had some issues with other members of the Towing Advisory Board and they were not here to present their*

*opinions of the Board.*

*Commissioner Braddy questioned the accounting sample and its accuracy that Mr. Idleman referred to in his presentation. He appreciated the attempt to demonstrate the possible cost of running a towing company but felt it was missing some expenses.*

*After a brief discussion, Commissioner Domenech stated that how much or how little someone makes in his or her business is irrelevant. The market drives the amount people will pay and what a company's cost to run their business is of no interest. He suggested the same would hold true if they were talking about a clothing store. If the community and students think the \$76.00 was too high, any business could charge less and that would be OK with the City.*

*Mr. Kevin Whitesides, Ultimate Towing, agreed that if they think its too much money, let Superior charge \$30.00. The City sets a maximum amount to be charged for roam towing, not a minimum. Mr. Weber argued that the citizen who is towed is captive to whoever tows their vehicle. They do not have a choice at that time.*

*Commissioner Domenech explained again his understanding using an analogy of two gas stations with different gas prices. Over time, the less expensive gas station will get a lot of business. It will not happen over night. Commissioner Domenech was unsure as to why Mr. Idleman and Weber were struggling so hard on this issue when they can set their price as long as they do not go over the cap the Commission has set. It is pretty clear that at least the majority of the Commissioners are comfortable with the current rate, which has remained the same over the past year.*

*Mr. Gene Watson, Watson Towing, wanted to let the Committee know that he felt that Superior Towing's request was the result of a problem with employees at another towing company, and he feels that is the reason behind this price reduction. Further, although he doesn't like it, he commented that they could charge whatever they wanted.*

*Commissioner Domenech wanted to reiterate that the Commission was clearly resistant to increasing the cap and there was at least one motion from this committee to go the other way. It stands to reason that you are taking some business from some others and that's the way this market works.*

*Mr. Idleman stated that he at least wants to monitor the laws that are already set and make the towing companies stick to them. Citizens would be charged a lot less unreasonable fees if the current laws are enforced. Commissioner Domenech agreed that the laws should be enforced or repealed if not.*

*Commissioner Braddy suggested that the Towing Advisory Board would be the perfect instrument to help provide that oversight. Commissioner Domenech agreed with Commissioner Braddy that the Towing Advisory Board needed to look at some of these things, and if in fact they're being enforced, and if they are not, questioned why. Captain Weaver did not think that the Towing Advisory Board had the kind of resources to check on who filed a lien. Chief Botsford stated that some of these issues are not City issues, such as whether they are applying for titles on time. These should be reported to the State Licensing Board if someone has direct knowledge.*

*Assistant City Attorney Ron Combs mentioned that it is an issue, if people are being charged for processes that aren't being done. For instance, someone goes to get their car and they are being charged for searching the title, filing, etc., there would need to be proof that the company actually did these things. A citizen wouldn't want to pay for the things that were supposed to have been done, but actually weren't, and there could be action against the company.*

*Commissioner Domenech asked Mr. Combs to articulate that charge to the Towing Advisory Board through this committee and then have the Advisory Board report back to the Public Safety Committee. Commissioner Domenech asked for more information on what the Towing Advisory Board could do and could not do, and who had what jurisdiction.*

*Mr. Idleman spoke up and suggested that the Towing Advisory Board may be biased since Mr. Watson owns a towing business and sits on the board. Chief Botsford mentioned that Mr. Idleman was at odds with some of the members of the Board and asked Captain Weaver to articulate the circumstances surrounding the last TAB meeting.*

*Captain Weaver explained that the Commission set up the TAB with representatives from different areas. One out of 7 or 8 members is a representative of a tow company. The issue with the Board right now is that Mr. Idleman is the representative for the downtown. When he was assigned, he worked for Mr. McGurn and was the downtown parking coordinator. Now he no longer works for the downtown and many of the board members are concerned because that means there are two tow companies on the Board. This particular issue has been referred to the City Manager to address. Captain Weaver mentioned that he has not had any complaints of overcharging in over a year and only when he cannot resolve a complaint is it referred to the TAB. Only two have been referred in the last year and a half.*

*Commissioner Domenech wanted an explanation of what takes place if a driver returns while the tow truck is still there. Captain Weaver explained that the car has to be dropped and they are charged half price. The Commissioner knows that that has not always happened and appealed to the tow company owners to make sure their people obey what the Commission has agreed on.*

*Mr. Watson spoke that he complies with all laws but realizes that there are practices that still go on. However, if any are going on in his company, he will take the necessary action. In most cases, when a citizen returns the transaction takes place. They pay \$38.00 and get their vehicle back. There are, however, isolated instances where people who claim to own the vehicle will get in it or sit on the car to impede the tow truck driver from doing his job. Some of those cars have been towed to their compound in light of that behavior. Mr. Whitesides added that sometimes a person will come up but does not want to pay the \$38.00 but wants to argue for 15 minutes or longer. The tow truck driver has to use his best discretion in the field.*

*The Public Safety Committee will report back to the Commission with a recommendation that no action be taken, and will include that the responsibility of*

*the Commission is to set the maximum cap for roam towing (not a minimum).*

**RECOMMENDATION** *The Public Safety Committee begin discussions on this referral.*

**Discussed**

**MEMBER COMMENT**

*No comments.*

**CITIZEN COMMENT**

*No comments.*

**NEW BUSINESS - DISCUSSION OF PENDING REFERRAL SCHEDULES**

*#040872, Comprehensive Enforcement of Running Red Lights (NB) - Schedule for 4/21/05 meeting*

*#040547, Dangerous Dogs Issues - Schedule for 4/21/05 meeting at the request of Citizen Kathy Mese*

*#040424, Bar Closing Times-Discussion with University of Florida Student Government - Schedule for continued discussions for 4/21/05 meeting*

*#041034, Roam Towing Fee Reduction - Report out to City Commission recommending no action and removing from pending referral list*

*#040703, Parking "Boot" on Private Property - Report out to City Commission, recommending no action, with letter to citizen (hold to determine if citizen requires additional meeting with the Committee)*

*#041097, City Co-Sponsorship and Expense Allocation for Public Events (NB) - Need to discuss scheduling a joint PSC and Recreation and Cultural Affairs Committee meeting*

**NEXT MEETING DATE**

*April 21, 2005, 9:00 a.m.*

**ADJOURNMENT**

*Meeting adjourned at 9:55 a.m.*