



**Hallandale Beach**  
PROGRESS. INNOVATION. OPPORTUNITY.

400 South Federal Hwy  
Hallandale Beach, FL 33009

## City of Hallandale Beach City Commission Agenda Cover Memo

|   |                                |           |  |   |  |                    |            |
|---|--------------------------------|-----------|--|---|--|--------------------|------------|
| <b>Meeting Date:</b>  | April 19, 2017                 |           | <b>Item Type:</b><br><small>(Enter X in box)</small>   | <b>Resolution</b>   | <b>Ordinance</b><br><div style="text-align: center;">X</div> | <b>Other</b>       |            |
| <b>Fiscal Impact:</b><br><small>(Enter X in box)</small>          | <b>Yes</b>                     | <b>No</b> | <b>Ordinance Reading:</b><br><small>(Enter X in box)</small>   | <b>1st Reading</b>  |  | <b>2nd Reading</b> |            |
|   |                                | X         |  |   |  | X                  |            |
|   |                                |           |  | <b>Public Hearing:</b><br><small>(Enter X in box)</small> | <b>Yes</b>   | <b>No</b>          | <b>Yes</b> |
| <b>Funding Source:</b>  | N/A                            |           | <b>Advertising Requirement:</b><br><small>(Enter X in box)</small>   | Yes   |  | No                 |            |
|   |                                |           |  |   |  | X                  |            |
| <b>Account Balance:</b>   | N/A                            |           | <b>Quasi Judicial:</b><br><small>(Enter X in box)</small>  | Yes   |  | No                 |            |
|   |                                |           |  |   |  |                    |            |
| <b>Project Number :</b>   | N/A                            |           | <b>RFP/RFQ/Bid Number:</b>   | N/A   |  |                    |            |
| <b>Contract/P.O. Required:</b><br><small>(Enter X in box)</small> | <b>Yes</b>                     | <b>No</b> | <b>Strategic Plan Priority Area:</b> <small>(Enter X in box)</small><br><br><div style="display: flex; justify-content: space-between;"> <div>Safety</div> <input type="checkbox"/> </div> <div style="display: flex; justify-content: space-between;"> <div>Quality</div> <input checked="" type="checkbox"/> </div> <div style="display: flex; justify-content: space-between;"> <div>Vibrant Appeal</div> <input type="checkbox"/> </div> |   |  |                    |            |
|   |                                |           |  |   |  |                    |            |
|   |                                | x         |  |   |  |                    |            |
|   |                                |           |  |   |  |                    |            |
| <b>Sponsor Name:</b>  | Jennifer Merino, City Attorney |           | <b>Department:</b><br>City Attorney  |   | Jennifer Merino, City Attorney                               |                    |            |

### Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 28 "TRAFFIC, MOTOR VEHICLES AND BOATS", ARTICLE V TOWING, SECTION 28-172 ENTITLED TOWING FRANCHISE TO ALLOW FOR ANY FORM OF COMPETITIVE SOLICITATION AND AWARD IN ACCORDANCE WITH GENERAL CITY PROCUREMENT POLICY AND CHARTER REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

### Staff Summary:

**Background:**

Section 28-172 of the City Code, last amended in 1980, requires towing from public rights-of-way to be provided on a franchise basis and limits the competitive solicitation of a towing franchise to a bid process. However, the City recently solicited the services by way of a request for proposal, allowing it to take into account factors such as ease of access to towing facilities for residents and other conveniences offered to residents. Legal review of the section also revealed that it requires award of the towing franchise by resolution, which conflicts with Charter Section 5.01, requiring a franchise to be awarded by ordinance. Finally, the section currently dictates a number of processes that are redundant to the processes required by general procurement policies.

In light of the City Administration's solicitation by way of proposal to enable the city to consider factors such as level of service to residents and accessibility of facilities and the other deficiencies in the present code, the City Attorney recommends amending the provision to bring it into accord with other provisions of the Code and Charter.

With respect to future contracts, the City Attorney's office and City Administration will evaluate the continued advisability of providing these services on a franchise basis.

**Proposed Action:**

City Attorney recommends that the Mayor and City Commission adopt the attached proposed amending Chap 28 Setion 28-172 Traffic, Motor Vehicles and Boats, Article V Towing, Section 28-172 entitled Towing Franchise to Allow for any form of competitive Solicitation and award in accordance with general City procurement policy and Charter requirements on second reading.

**Attachment(s):**

Exhibit 1- Draft Ordinance