

***2.4 NEW CONTRACT FOR AUTOMATED RED-LIGHT ENFORCEMENT PROGRAM
Public Hearing (Published Notice) to Re-Authorize Use of Automated Red-Light
Enforcement System and Authorize the City Manager to Execute Contract with Vendor**

Contact Person:

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Executive Summary:

The agreement for the City's Automated Enforcement Red-Light Program is due to expire at the end of September. Staff recommends that the City enter into a new contract with the City's existing vendor, Redflex Traffic Systems, for a term of 5 years and the option to renew for an additional 2 years at the end of the term. The program has contributed to the decrease in red-light related collisions over the first 5 years, reducing the number of collisions and injuries to citizens.

BACKGROUND:

Program Creation. Between 1995 and 1998, the City experienced a 31% increase in red-light related collisions. To address the concern, the City implemented an Automated Red-Light Enforcement Program in August 2000, and contracted with Redflex Traffic Systems to provide equipment and support services for the program. In the same year, the Police Department added the non-sworn position of Traffic Project Manager to implement and manage the program. Over the past 5 years, the program has been very successful in reducing the number of red-light related collisions and providing traffic safety measures to the community.

Under the existing agreement with Redflex, the program has resulted in the installation of automated enforcement systems at 10 different locations throughout the City. Staff selected the locations, listed below, due to high collision rates and high traffic volume.

- Fremont Blvd at Mowry Ave
- Mowry Ave at Blacow Rd.
- Mowry Ave at Farwell Dr.
- Fremont Blvd at Paseo Padre Pkwy
- Decoto Rd. at Paseo Padre Pkwy
- Decoto Rd. at Fremont Blvd
- Stevenson Blvd at Fremont Blvd
- Stevenson Blvd at Blacow Rd.
- Automall Pkwy at Grimmer Rd.
- Automall Pkwy at Fremont Blvd

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Program Performance. The automated enforcement camera systems capture an average of 800-1300 red-light incidents every month. Since implementing the program in 2000, the City has recorded a 15% decrease in traffic signal related collisions city-wide and a 43% decrease in traffic signal related collisions at the intersections where camera systems are installed. When the program was first implemented, it was thought that citations would significantly drop after the first two years due to public awareness, but in reality the numbers overall have continued to steadily climb.

DISCUSSION: Staff recommends that the City enter into a new agreement with the existing vendor, Redflex Traffic Systems, Inc. Redflex owns the existing automated enforcement camera systems installed at 10 intersections in Fremont. This equipment and infrastructure is estimated at over \$1 million in value. Redflex also has exclusive knowledge, possession and ownership of certain equipment, licenses, applications, and citation processes related to the digital red-light photo enforcement cameras and program in Fremont. Redflex is a critical component of the City's red-light enforcement program.

At the time the first Agreement was implemented, Redflex was one of the only vendors providing automated enforcement systems for capturing red-light violations in California. Over the past couple of years, several new vendors have entered the automated enforcement business. Staff has reviewed several brochures, pamphlets and requests for proposals that have been submitted to other local cities by these vendors. After assessing the products offered by other vendors, staff has found that the quality and value of the product and service offered by Redflex are at least comparable to that of the other vendors. Staff estimates it would take at least 1 year to seek a new vendor, get new equipment and technology in place, and set up a new system with the court. The Fremont Superior Court has a good working relationship with Redflex and is familiar with the current technology and system they use. The court has several automated collection programs that are directly linked to Redflex that would disrupt or delay court proceedings if the City was to make a vendor change. Upon reviewing the services, technology, time and cost that would be associated with obtaining a new vendor, staff believes it is more beneficial for the City to execute a new contract with our current vendor.

After the City entered into its current agreement with Redflex to support the automated enforcement program, the Legislature amended the statutes (Vehicle Code sections 21455.5 and 21455.6) governing such agreements. The amendments apply to new contracts entered into or contracts amended after January 1, 2004, and accordingly, the City's proposed new contract with Redflex must comply with the amended law.

The Legislature enacted the amendments in order to advance many of the recommendations found in a report by the California State Auditor regarding suggested improvements to red light camera programs. One of areas of improvement identified by the State Auditor was the need for local government to maintain control of their programs. The Legislature therefore amended the statute to make clear that cities must retain control over certain aspects of the operation of automated enforcement systems.

Except for the method of compensation to the vendor, the new requirements do not require Fremont to change its program as Fremont's program already complies with the amended statute. Specifically, staff selects the specific location of each system in place, regularly inspects and maintains the warning signs at all entrances to the City, oversees the establishment and changes of signal phases and timing,

completes a 30-day warning period and publicity campaign prior to the program and before beginning any new approaches, determines the criteria for screening and issuing violations, sets guidelines for the processing and storage of confidential information and establishes procedures to ensure compliance with the guidelines, including a yearly on site audit of the vendor. Under any new Agreement, staff will continue to maintain control over these specific areas of the program and any new areas that may arise due to future legislative changes to the statute.

The compensation structure of the proposed agreement will differ significantly from that of the current agreement. This change is required as the amended law does not allow vendor compensation to be based on the number of tickets issued by a system or the percentage of the revenue generated. The Legislature amended the law after a number of cities, including Fremont, entered into contracts with vendors in which the vendor's compensation was based on a percentage of the fine revenue. Legislators became concerned that such compensation structures undermined the public's trust in the enforcement programs. Accordingly, under the proposed agreement, Redflex will be compensated based on a flat fee per intersection and not based on a percentage of fine revenue as under the current agreement.

Under the new agreement, Redflex will maintain, service and upgrade 7 of the existing 10 approaches, as well as install up to an additional 8 new intersection approaches to be selected by staff over the term of the agreement. Staff has decided to deactivate 3 of the current 10 approaches at the end of the current agreement because we feel that we have successfully met our goal of decreasing red-light violations at these locations. Redflex will receive a fixed fee of \$35,574.00 per month for the existing 7 approaches. For the 8 new approaches the City will pay approximately \$5,700 a month per approach. The proposed contract will be for a term of 5 years, with the option to renew for an additional 2 years upon completion of the five-year term. Each year, the cost per approach will be adjusted by the same percentage increase as applied by the court to fines for red-light violations. For example, if the court increases the fine amount by 3%, the cost per approach would also increase by 3%.

Upon acceptance of the agreement, Redflex Traffic Systems, Inc., will provide the following services to the City of Fremont: installation of new "Redflex Systems," the maintenance, repair and upgrade of each new and existing "Redflex System," including but not limited to video technology, and new digital still picture technology where mutually agreed, a Redflex Project Manager, violation processing services, consulting services, support and training for the Police Department and court personnel, interaction with the court and judicial personnel to address issues of the Redflex System, monthly reporting to the Police Department, and a toll free line for public queries and frequently asked questions.

Financial Impact: The Automated Red-light Enforcement Program generates adequate fine revenue for the Police Department to support program expenses. The fine for a red-light violation currently is \$351.00. Of this amount, the City receives \$38.47. The Fremont Superior Court receives \$105.67, the State of California receives \$100.00 and the vendor receives \$106.86. The City of Fremont adopted budget for FY 2005/06 anticipated a change from a "per paid citation" compensation method to a "flat rate" for each approach, and it will be unnecessary to adjust the adopted budget in consideration of this new contract agreement.

There is no added General Fund burden associated with this new contract. The Automated Red-light Enforcement Program is cost covering. To fulfill contract obligations under the old agreement for

payment of work already completed, the vendor has agreed to a formula for paying a monthly amount of no more than \$61,000. (The flat monthly amount at inception of the new contract for seven intersections is \$35,574 and the balance will be applied to satisfy the arrears amount.)

Adopted Automated Red-light Enforcement Program budget for FY 2005/06

Projected Revenue

Projected red light violation fine revenue received by the City	<u>\$800,000</u>
Projected total revenue for the program	<u>\$800,000</u>

Estimated Expenses

Estimated payment to vendor for services July 1 – September 30, 2005	\$210,000
Vendor expense for nine months under the new contract:	
For seven active approaches	\$320,166
Paid against arrears	<u>\$228,834</u>
Estimated salary and benefit expense (Traffic Project Manager)	\$104,424
Materials, supplies, and travel and training	<u>\$ 5,000</u>
Total estimated expenses for the program	<u>\$868,424</u>

While the table above reflects a potential program deficit of \$68,424 this fiscal year, more citations were issued than anticipated, resulting in actual citation gross fine revenue for FY 2004/05 of \$1,043,356. The level of paid fines in the last six months of the fiscal year was higher than anticipated. If there is insufficient actual revenue received to cover the added expense this year, it is anticipated the Police Department budget will be able to absorb the added expense.

ENCLOSURE: None.

RECOMMENDATION: Authorize the City Manager to enter into a contract with Redflex Traffic Systems, Inc., to provide maintenance and service for the existing 7 automated red-light enforcement systems and installation of an additional 8 new systems to be implemented over the term of the contract.

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
SEPTEMBER 13, 2005
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- 1.1 Call to Order:** Mayor Wasserman called the meeting to order.
- 1.2 Flag Salute:** Councilmember Wieckowski led the salute to the flag.
- 1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Dutra, Councilmembers: Cho, Wieckowski, and Natarajan.
- 1.4 Announcements by Mayor/City Manager**

Mayor Wasserman announced that a fund raising event for the victims of Hurricane Katrina would be held at the Center Theater on Sunday, September 18, 2005, at 5:00 p.m.

2. CONSENT CALENDAR

*** 2.1 Waive Reading of Ordinances**

On a motion by Councilmember Wieckowski, seconded by Councilmember Cho, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Dutra, Councilmembers: Cho, Wieckowski, and Natarajan.
Noes:	None.
Absent:	None.
Abstain:	None.

*** 2.2 Approval of Minutes – None.**

*** 2.3 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider an Annual Report on the Status of the General Plan and Implementation of the City's Housing Element**

Mayor Wasserman acknowledged the excellent work done by staff on the City's Housing Element, and interim Development and Environmental Services Director Jill Keimach voiced her appreciation as well as she mentioned each staff member by name. Mayor Wasserman closed the public hearing noting there were no speakers on the matter. On a motion by Councilmember Wieckowski, seconded by Councilmember Cho, the City Council:

1. Held the public hearing.
2. Found that the Annual Report is statutorily exempt under CEQA Guidelines, Section 15262, Feasibility and Planning Studies.
3. Found that the Annual Report of the General Plan and Housing Element accurately depicts the current status of the City of Fremont with respect to the General Plan and Housing Element.

***Consent Items**

4. Directed staff to forward the Annual Report on the General Plan and Housing Element to the California Department of Housing and Community Development and the Office of Planning and Research, as required by Government Code Section 65400 (b).

Ayes: Mayor Wasserman, Vice Mayor Dutra,
Councilmembers: Cho, Wieckowski, and Natarajan.
Noes: None.
Absent: None.
Abstain: None.

*** 2.4 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Re-Authorize Use of Automated Red-Light Enforcement System and Authorize the City Manager to Execute Contract with Vendor**

There were no speakers on the matter; Mayor Wasserman closed the public hearing. On a motion by Councilmember Wieckowski, seconded by Councilmember Cho, the City Council authorized the City Manager to enter into a contract with Redflex Traffic Systems, Inc., to provide maintenance and service for the existing 7 automated red-light enforcement systems and installation of an additional 8 new systems to be implemented over the term of the contract.

Ayes: Mayor Wasserman, Vice Mayor Dutra,
Councilmembers: Cho, Wieckowski, and Natarajan.
Noes: None.
Absent: None.
Abstain: None.

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Written Communications – None.

4.2 Oral Communications

Margaret Thornberry, President of the Fremont Cultural Arts Council and Arts Chair for the Creative Engagement Team of the Celebrate Fremont Committee, expressed her support for providing and enhancing performing arts space in Central Park (Item 7.2 on tonight's agenda).

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out From Closed Session of any Final Action

None.

7. REPORT FROM CITY MANAGER

7.1 Mayor Wasserman opened consideration of a Letter of Interest for a \$1 Million Grant from

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the Fremont Bank Foundation for the Swim Lagoon Redesign Project

The City Council expressed their gratitude for all of the contributions made over the years by Fremont Bank and the Hyman family. Michael J. Wallace, Co-Vice Chairman of Fremont Bank, and Hattie Hyman Hughes, Director of Community Outreach and President of Fremont Bank Foundation, spoke about the love of the Hyman family for their community and, particularly, Central Park. On a motion by Vice Mayor Dutra, seconded by Councilmember Cho, the City Council:

1. Directed staff to negotiate a grant agreement with the Fremont Bank Foundation, subject to final approval by the City Council, documenting the terms by which the Fremont Bank Foundation will grant \$1,000,000 to the City for the Water Park Facility.
2. Directed staff to proceed with the park/facility naming process to name the Water Park Facility after Fremont Bank, and to name particular areas or venues within the Water Park Facility to be named after Morris and Alvirda Hyman.
3. Directed staff to proceed with the park/facility naming process to name a particular area or venue within the facility after the Puerto Peñasco sister city, and to preserve the Puerto Peñasco plaque and rocks if feasible in the Puerto Peñasco area/venue.

Ayes: Mayor Wasserman, Vice Mayor Dutra,
Councilmembers: Cho, Wieckowski, and Natarajan.
Noes: None.
Absent: None.
Abstain: None.

7.2 Mayor Wasserman opened consideration of Funding and Siting Options of Proposed Central Park Band Pavilion

Parks and Recreation Director Annabell Holland introduced Senior Landscape Architect Roger Ravenstad, and consultant Kurt Schindler with ELS Architecture & Urban Design. Staff responded to questions, and Councilmembers commented on the various sites and options. Margaret Thornberry commented again about the need for providing performing arts space in Central Park.

On a motion by Vice Mayor Dutra, seconded by Councilmember Natarajan, the City Council directed staff to proceed with Option 4 which is to replace the existing pavilion with a customized prefabricated structure for Site 1 (Existing Band Pavilion site), and to commence a feasibility study for Site 3 (Civic Center Knoll site).

Ayes: Mayor Wasserman, Vice Mayor Dutra,
Councilmembers Cho and Natarajan.
Noes: Councilmember Wieckowski.
Absent: None.
Abstain: None.

7.3 Mayor Wasserman opened consideration of an Update on the Community Outreach Project

Deputy City Manager Christine Daniel, and Intergovernmental Relations Manager Lisa Goldman, provided an update on the community outreach project, and reviewed next steps. Staff anticipates

*Consent Items

returning to Council with another update on the outreach project in late January 2006. No action was taken.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Legislation

8.2.1 Discussion of City position on Proposed Legislation Described in the League of California Cities Priority Focus Bulletin No. 35-2005. No action was taken.

8.3 Oral Reports on Meetings and Events

Councilmembers commented on various upcoming events including California Arts Day on October 7; a Centerville Cabrillo Neighborhood Community summit to be held at Centerville Junior High on September 24; and, a meeting on September 15 at the Center Theater regarding the 50th Anniversary Celebration.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:50 p.m.

Attest:

Approved:

Renee Elliott, Senior Deputy City Clerk

BOB WASSERMAN, Mayor

ASKING THEM TO INVITE SPEAKERS TO THE ORGANIZATIONS, AND WE'VE ALSO ASKED THE MEMBERS OF THE COMMUNITY TASK FORCE TO SEND LETTERS TO ESSENTIALLY THEIR ROLLODEX ASKING THEM TO BECOME INVOLVED.

>> Councilmember Cho: WOULD YOU WOULD THEY CONTACT US?

>> OUTREACH@FREMONT.CA.US.

THERE WILL BE AN ARTICLE ABOUT THE SPEAKERS BUREAU WITH THE E-MAIL TO REQUEST A SPEAKER.

>> Mayor Wasserman: GO AHEAD.

>> Councilmember Natarajan:

THE PRESENTATIONS THAT THE SPEAKERS ARE GOING TO BE MAKING, IS THAT MORE GETTING INPUT FROM THE COMMUNITY GROUPS OR ARE THEY GOING TO BE PRESENTING SOME OF THE FINDINGS THAT WE'VE COME UP WITH SO FAR?

WHAT IS THE CONTENT OF THESE PRESENTATIONS?

>> THE PRIMARY INTEREST IS TO ENGAGE PEOPLE IN A CONVERSATION ABOUT WHAT THEIR PRIORITIES ARE. SO SOME BACKGROUND INFORMATION ABOUT WHAT'S GONE ON IN THE CITY OVER THE LAST COUPLE OF YEARS WILL BE PROVIDED, SOME, YOU KNOW, THEY GENERAL INFORMATION ABOUT THIS EFFORT WILL BE PROVIDED.

BUT IT'S REALLY AN ENTRY INTO A CONVERSATION.

>> Councilmember Natarajan:

THE ONE THING THAT I HAD HEARD ABOUT, AND I DON'T KNOW THE DETAILS, IS THAT THE CITY CUPERTINO HAD COME UP WITH SOMETHING INNOVATIVE WHEN THEY WERE DISCUSSING THEIR BUDGET WITH THE SENTENCE THAT WON AN AWARD.

WE MAY WANT TO CHECK IN WITH THEM TO SEE WHAT THEY USED IN THEIR PROCESS.

>> Mayor Wasserman: I HAD A QUESTION.

YOU INVITED 30 PEOPLE, AND GOT 20, IS THAT CORRECT?

>> APPROXIMATELY, RIGHT.

>> Mayor Wasserman: OKAY.

WAS -- DID THE OTHERS DECLINE OR --

>> EVERYBODY RESPONDED WITH INTEREST.

AND THE FOLKS WHO WEREN'T

AVAILABLE HAD OTHER CONCERNS,
CARING FOR PARENTS, CARING FOR
CHILDREN, THOSE KIND OF THINGS.
BUT I WILL SAY THAT I THINK WE
WERE BOTH PLEASED WITH JUST THE
RESONANCE OF THE RESPONSE.
EVERYBODY WAS VERY PLEASED TO BE
INVITED.
>> Mayor Wasserman: GOOD,
OKAY.
OTHER QUESTIONS?
EVERYBODY?
OKAY.
THANK YOU VERY MUCH.
>> Councilmember Dutra: THANK
YOU VERY MUCH.
>> Mayor Wasserman: WE'LL LOOK
FORWARD TO YOUR NEXT REPORT.
>> City Manager Diaz:
CHRISTINE AND LISA HAVE BEEN
DOING AN AWFULLY GOOD JOB.
>> Mayor Wasserman: GOOD.
THANK YOU BOTH.
>> City Manager Diaz: THAT
BRINGS US DOWN TO ITEM 8.2,
LEGISLATION, DISCUSS CITY'S
POSITION DESCRIBED IN THE CITIES
PRIORITY BULLETINS.
IF YOU HAVE ANY COMMENTS --
>> Mayor Wasserman:
LEGISLATURE IS ALMOST FINISHED.
THAT'S THE GOOD NEWS I GUESS.
>> Councilmember Natarajan: I
JUST HAVE ONE COMMENT.
CALIFORNIA ARTS DAY ON OCTOBER
2nd, CAN WE AS A CITY ADOPT A
RESOLUTION?
>> Mayor Wasserman: THAT'S IN
THE MILL.
>> Councilmember Dutra: AND
THAT LEGISLATION PASSED?
>> Mayor Wasserman: TORRICO'S?
>> Councilmember Dutra: YES.
>> Mayor Wasserman: YES, IT
DID.
AS DID -- OH, WHAT WAS THE
OTHER, THE -- A BILL PASSED THAT
WOULD PROVIDE -- I FORGET THE
AMOUNT, IT'S LIKE THE MOTOR
VEHICLE IN LIEU.
>> Councilmember Dutra: YES, I
KNOW EXACTLY WHAT YOU'RE --
>> Mayor Wasserman: VEHICLE
REGISTRATION, LISA DO YOU
KNOW --
>> IT'S A \$5 SURCHARGE.
>> Mayor Wasserman: ON THE
VEHICLE REGISTRATION?
>> \$5 UNTIL RELEVANT COUNTIES
AND ALAMEDA COUNTY IS ONE OF

THEM.

>> Mayor Wasserman: THE
GENERAL FEELING IS THAT'S GOING
TO BE VETOED BUT THAT DID PASS.
OKAY.

IS THERE ANY OTHER COMMENTS FROM
THE COUNCIL?

IF NOT, REMEMBER, SEPTEMBER
18th, YOU CAN SEE A GOOD MOVIE
AT THE CENTER THEATER AND
CONTRIBUTE TO A VERY WORTHWHILE
CAUSE.

>> Councilmember Cho: JUST
WANTED TO MAKE ONE OTHER
ANNOUNCEMENT.

THIS HAS TO DO WITH ANOTHER
COMMUNITY MEETING, ON SEPTEMBER
24th, SATURDAY, THE
CENTERVILLE CABRILLO
NEIGHBORHOOD NETWORK IS
CONDUCTING A COMMUNITY WIDE SUM
IT SIMILAR TO THE ONES WE HAD
TWO, THREE YEARS AGO, AND IT'S
GOING TO BE HELD AT THE
CENTERVILLE JUNIOR HIGH SCHOOL,
9:00 TO 3:00.

THE COMMUNITY IS WELCOME TO
COME, THIS WOULD BE A DAY TO
NETWORK WITH OTHERS IN THE CITY.

>> City Manager Diaz: LOOK
FORWARD TO A GREAT PROGRAM AND
THE CITY IS GOING TO BE ONE OF
THE FEATURED SPEAKERS.

>> Councilmember Dutra: AND
THE CITY HAS THEIR MEETING ON
THE 15th AT THE CENTER
THEATRE.

IT'S THURSDAY.

>> Mayor Wasserman: OKAY, WITH
THAT THE MEETING IS ADJOURNED.