

**MINUTES
REDEVELOPMENT AGENCY AND CITY COUNCIL
REGULAR MEETING
MARCH 11, 2008 - 6:00 p.m.**

CALL TO ORDER

The regular meeting of the City Council and Redevelopment Agency of the City of Highland was called to order at 6:01 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Wayne Reynolds of Immanuel Baptist Church and the Pledge of Allegiance was led by Councilwoman Scott.

ROLL CALL

Present: McCallon, Scott, Jones, Mayor Lilburn
Absent: Timmer

SPECIAL PRESENTATIONS

None

ADDED AGENDA ITEM

City Manager Hughes stated there was a rent increase that has occurred at Jeffrey Court Senior Apartments. Staff has prepared a draft letter for the Mayor's signature which addresses the rate increase issue. If Council would like to address the item there are a number of Jeffrey Court tenants in the audience who would like to speak.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to add the Jeffrey Court Rate Increase item to the agenda. Motion carried, 4-0, with Councilman Timmer absent.

Community Development Director Jaquess stated staff has received input from Jeffrey Court residents late last week in regard to a letter they had received stating there would be a rent increase. Jeffrey Court has certain units that are Section 8 units where the rents are a function of income, there are affordable apartments where rent is set based on a HUD formula and then there are market rate apartments. Therefore, the affordable units are the only units that will be affected by this rate increase. The rent increase, which may not be exact numbers, is about \$84 a month for a one-bedroom unit and about \$100 a month for a two-bedroom unit. Staff anticipated there would be some concern from Council relative to this rent increase and drafted a letter for possible approval. The letter states the concern and the dismay that the City of Highland Council has over the proposed rent increase. One of staff's concerns is the short notice and staff has suggested,

14. Redflex Contract for High Resolution Digital Red Light Photo Enforcement Camera Systems

City Manager Hughes gave a brief review of the staff report.

Director of Administrative Services Dantuono stated cost neutrality basically means the city will not have to pay more than we receive. They have a standard price of \$5,975 per month. If we leave the cost neutrality language in, it will mean we will only have to pay up to what we receive. Another concern of the attorney's will be addressed by City Attorney Steele.

City Attorney Steele stated the question in all the contract is whether the contracts provides an economic incentive for the contractor to issue as many violations as possible. Those are issues we still are grappling with as people challenge the tickets that are issued through this form of enforcement. We are trying to do in the absence of binding legal authority with courts of appeal, they are informing us what kind of contract provisions are allowable and what kind of contract provisions are not. There is no disincentive to the city, no potential harm to the city in terms of losing monies by entering into any of these contracts. The least risky provision, in terms of legal risk, in terms of having to refund violations that have been found invalid later on is the one that could potentially cost the most money up front in terms of what you pay to the contractor.

Mayor Lilburn stated the Public Safety Subcommittee has met on this issue a number of times. The subcommittee really struggled with this item and is looking to Council because one of the concerns is this is an educational process. This is a safety issue that we would want to retrain people on the process.

Councilman McCallon asked for clarification. Are the citations written by our policemen and not by the contractor?

City Attorney Steele stated yes, they are signed off by the police department. They are citations issued by the police department and the evidence is provided by the contractor.

Councilwoman Scott stated she thought she had read Redflex would send out the citation and it would be sent to the Sheriff's office for verification.

City Attorney Steele stated the contractor handles the mechanics of processing the ticket, from the time the evidence is collected but it has to be done under the supervision of the Sheriff's office. It is not a valid citation unless the Sheriff's Department is willing to prosecute although the mechanics of it are handled by the contractor.

Councilwoman Scott stated we are involving the Sheriff's office, so in addition to what their monthly fees are. Basically we would have to have another officer just to do this.

City Attorney Steele stated many cities look at this particular concern as a wash because there is a certain efficiency added where you do not have the actual Sheriff Deputy writing a ticket and gathering evidence.

Councilwoman Scott stated the fiscal impact, the flat fee of \$5,970 per approach per month or \$17,910 per month, because it is being figured as three approaches per month getting tagged. It is a two year contract that is almost \$500,000. The lights, the cameras are a good deterrent and, of course, the first proposed intersection is a very necessary intersection. However, as the report reads, as people become more aware of the cameras at these sites, then they tend to drive more sensibly at these sites and then proceed to drive recklessly at another corner. She is more concerned, not so much with the red lights, as she is with the speeders on Greenspot.

Mayor Lilburn stated those were issues the Public Safety Subcommittee has discussed as well. The proposed intersection has a great deal of transit traffic. Our goal is to get the citizens to have better driving patterns.

Councilwoman Scott stated she has a concern on page 2. The paragraph below, number B, states Redflex refuses to indemnify and that is a real concern.

Mr. Wade Betterworth, Director of Sales for Redflex Traffic Signals, stated there is no up front cost to the City of Highland to implement this program. The cost to implement this program ranges from \$50,000 to \$100,000 per system per intersection approach. The program will capture images at the intersection and will process them before the Sheriff's Department reviews them. There will be three forms of review to make sure a violation occurred. The ultimate decision to accept the violation is up to the Sheriff's Department. Once the violation is accepted by the Sheriff's Department, the violation is mailed by Redflex on behalf of the City of Highland. If someone requests a hearing, Redflex will also provide court packages and in the event there is a need for eyewitness testimony, Redflex also will provide this. In terms of contracting, the actual cost of neutrality was a method Redflex developed where it helps cities with the initial cash flow that this program requires. The cost neutrality was to allow a city to compare the revenues generated from the program against our monthly fees. The shortfall, which is likely in the first couple of months because of the violations that will occur in the first 30 days, the payment will probably lag by 30-90 days depending on how soon the payment is made. A non-cost neutrality contract can also be done as well. This contract will have a slight reduction of fee, if the Council chooses this option.

Councilwoman Scott stated the first camera would be at Highland and Victoria and the two year contract would actually start at this installation of this first camera. It also states the contract calls for seven more intersections and yet the flat fee per approach is \$5,970. Actually the \$17,910 is only for three approaches and we add another four, which the contract stated we have to do.

Mr. Wade Betterworth stated our contracts are typically written on a not-to-exceed basis. It is the city's discretion, in terms of if you built one or if you built at ten different intersections, the city will control this. If the program started with one and ended up with one, at the end of two years, this is the number of programs we have. We don't write the intersections into the contract, it will just state not-to-exceed a certain number of intersections.

Mayor Pro Tem Jones stated it has been mentioned before if the intersection proves it is not paying for itself, it can be moved to another intersection and utilized there.

Councilwoman Scott stated yes, for an additional cost for removing, transporting and re-installing.

Mayor Pro Tem Jones stated that is correct but is not the same cost of a new camera.

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to enter into an agreement with Redflex and the agreement shall include the "cost neutrality" language. Motion carried, 3-1, with Councilwoman Scott dissenting and Councilman Timmer being absent.

15. Subcommittee and Agency Appointments

Mayor Lilburn stated she received a letter from Councilman Timmer stating he is content with his current subcommittee positions. She would like to confirm the Community Services and Recreation Subcommittee members as Lilburn and Scott. She would like to remove Scott and replace herself as the alternate for the Airport Agency Appointment Subcommittee. Ad-Hoc appointments will remain the same as well.

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to remove Councilwoman Scott from the SBIAA Committee and reappoint Mayor Lilburn as the alternate as well as keeping all other subcommittee appointments the same with no changes to its members. Motion carried, 4-0, with Councilman Timmer being absent.

16. Neighborhood Watch Sign Policy

City Manager Hughes gave a brief review of the staff report.