

**THIRD AMENDMENT TO AGREEMENT
FOR RED LIGHT PHOTO ENFORCEMENT SERVICES**

THIS THIRD AMENDMENT is made and entered into effective this 6TH day of MARCH, 2007, by and between the CITY OF EL CAJON, a municipal corporation, hereinafter referred to as "CITY", and REDFLEX TRAFFIC SYSTEMS, INC., a California corporation, hereinafter referred to as "CONTRACTOR."

RECITALS

1. City and Contractor entered into that certain "AGREEMENT FOR RED LIGHT PHOTO ENFORCEMENT SERVICES" dated February 7, 2002 (the "AGREEMENT"), by which City and Contractor established the terms and conditions for the installation and support of an automated enforcement equipment program at various intersections within the City of El Cajon.

2. On June 25, 2004 City and Contractor instituted the FIRST AMENDMENT TO THE CONTRACT ("FIRST AMENDMENT") to comply with the terms of California Vehicle Code section 21455.5, as amended by AB 1022 and to extend the term of the Agreement.

3. On November 7, 2005 City and Contractor instituted the SECOND AMENDMENT TO THE AGREEMENT ("SECOND AMENDMENT") to revise the compensation for Contractor's services to City in accord with the letter from Contractor to City dated August 22, 2005 and attached thereto as Exhibit "B".

4. CITY and CONTRACTOR now agree to amend the term of the AGREEMENT to clarify and confirm the intent of the parties that the term of the AGREEMENT expires on June 24, 2009.

5. THIS THIRD AMENDMENT TO THE AGREEMENT ("THIRD AMENDMENT") is necessary to confirm the express mutual understanding of the parties that the term of the AGREEMENT be from June 25, 2002 to June 24, 2009. Said intent is evidenced by the Agenda Report of May 18, 2004 prepared by the Director of Public Works, and Resolution of the City Council No. 94-04, adopted on May 25, 2004, attached hereto as Exhibits "C" and "D".

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Section 1. Section 2 of the AGREEMENT is amended as follows:

"Section 2. Term of Contract.

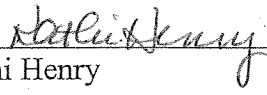
Subject to the provisions of Section 4 "Termination" of this AGREEMENT, the term of the AGREEMENT shall begin on the Acceptance Date of June 25, 2002, and shall be effective through June 24, 2009.


Section 2. All other terms and conditions of the AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this THIRD AMENDMENT the date and year first above written.


City of El Cajon, a municipal corporation.

Redflex Traffic Systems, Inc., a California corporation


By 
Kathi Henry
City Manager

By 
Karen Finley
Vice-President of Operations.
President + CEO *KF*

ATTEST:


Kathie Rutledge
City Clerk

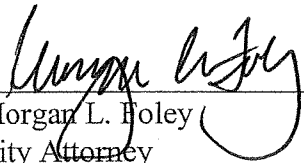
APPROVED AS TO CONTENT:


Rob Turner
Director of Public Works

APPROVED AS TO CONTENT:


Clifford Diamond
Chief of Police

APPROVED AS TO FORM:


Morgan L. Foley
City Attorney

CITY OF EL CAJON

City Clerk Date Stamp
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 CITY CLERK
 EL CAJON CA

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AGENDA ITEM: 1.11

MEETING: 5/25/2004

AGENDA REPORT

DATE: May 18, 2004
 TO: MAYOR AND COUNCILMEMBERS
 FROM: DIRECTOR OF PUBLIC WORKS
 SUBJECT: PHOTO ENFORCEMENT CONTRACT
 WITH REDFLEX TRAFFIC SYSTEMS

RECOMMENDATION:

That the City Council adopt the next resolutions, in order, to approve an amendment to contract for Photo Enforcement Services extending these services for five years and authorize the City Manager or designee to execute the new contract.

BACKGROUND:

Legislation adopted in 2003 ("AB 1022"), amended the Vehicle Code, changing the rules on Photo Enforcement Contracts effective on January 1, 2004. This legislative change did not affect existing contracts, but requires that a contract that is renewed after January 1, 2004, be brought into compliance. The City's current contract is for a total of five years, but essentially is a one-year contract with four renewals (automatic) options. The City attorney has reviewed the contract and indicated that the City needs to comply with AB 1022 on the next renewal, which is June 26, 2004. The City has been successfully operating a photo enforcement program since 1996 and a new contract appears to be needed if the program is to continue.

The main change in the contract is on the type of payment. Currently, the City pays a fee on a per citation issued basis which complies with past San Diego County Superior Court decisions. The new legislation would require a monthly type fee or purchase of the system. Currently, the City pays a fee of \$89 per issued citation, which averaged approximately \$7,700 per location with seven operating locations. Attached is a letter from Redflex Traffic Systems offering these services for \$7,300 per location for the remainder (three years) of the current contract or \$6,300 per month if the new (renewed) contract could be for five years (two additional years).

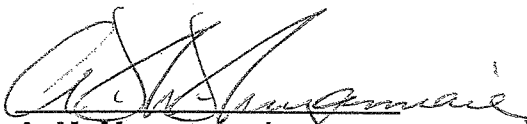
Under the current contract, compensation to the contractor is not based on success of prosecution, but is related to the quality of the work (i.e., if the reviewing officer believes a violation can be proven by the photographs and video recordings, the citation is issued, and the contractor receives payment). Under the proposed contract the quantity of the work isn't a factor in compensation, but neither is the success of the system. A penalty clause has been added to the contract to address this concern.

AGENDA – Redflex Contract
May 18, 2004

FISCAL IMPACT:

Initial projected cost savings of approximately \$115,000 during the first year. Savings in future years, if any, will depend on actual citations issued.

PREPARED BY:



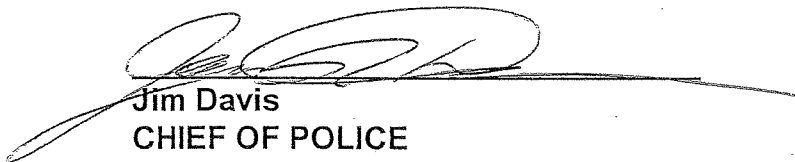
A. M. Munzenmaier
DIRECTOR OF PUBLIC WORKS

APPROVED BY:



Bill Garrett
CITY MANAGER

PREPARED BY:



Jim Davis
CHIEF OF POLICE

RESOLUTION NO. 97-04

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EL CAJON AUTHORIZING EXECUTION OF AN AMENDMENT
TO THE CONTRACT FOR PHOTO ENFORCEMENT SERVICES.

WHEREAS, on February 7, 2002, the City of El Cajon entered into an Agreement for Red Light Photo Enforcement Services with Redflex Traffic Systems, Inc. to perform installation and support of a Red Light Photo Enforcement program for the enforcement of red light traffic violations at intersections within the City of El Cajon; and

WHEREAS, the contract was a one-year contract with four automatic renewal options; and

WHEREAS, legislation adopted in 2003 by AB 1022 amended the Vehicle Code changing the rules on photo enforcement contracts effective January 1, 2004; and

WHEREAS, the City has been successfully operating a photo enforcement program since 1996 and a new contract is required if the program is to continue; and


WHEREAS, the Director of Public Works and the Chief of Police recommend that a First Amendment to Agreement for Red Light Photo Enforcement Services be executed to include those changes required by AB 2003, in addition to changes staff deems advisable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. That the Mayor and City Manager are hereby authorized to execute a First Amendment to Agreement for Red Light Photo Enforcement Services with Redflex Traffic Systems, Inc. on behalf of the City of El Cajon.

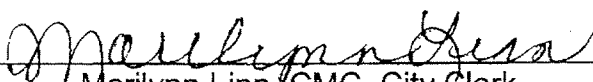
PASSED AND ADOPTED by the City Council of the City of El Cajon, California at an Adjourned Regular Joint City Council/Redevelopment Agency Meeting held this 25th day of May, 2004, by the following vote to wit:

AYES	:	Lewis, McClellan, Kendrick, Santos, Ramos
NOES	:	None
ABSENT	:	None
DISQUALIFY:	:	None



Mark Lewis, Mayor of the City of El Cajon

ATTEST:



Marilynn Linn, CMC, City Clerk

CONSENT ITEMS: (CONTINUED)

1.12 RESOLUTION NO. 96-04: AWARD BID FOR DOCUMENT CONVERSION
(Report: Purchasing Agent)

Adopt RESOLUTION NO. 96-04 in order to appropriate funds and award the bid to Integrated Scanning of America Inc., in the amount of \$40,200.00.

1.8 SPRITES REQUEST FOR FUNDING (Report: Assistant City Manager)

Approve funding in the amount of \$1,000 to the Sprites to use for supporting eligible charities.

DISCUSSION

In response to **Councilmember Ramos**' question, **City Manager Garrett** indicates funding of this request will leave a balance of \$4,000 in the General Fund Promotions Account.

MOTION BY Lewis, SECOND BY Ramos, to approve Item 1.8.

MOTION CARRIES BY UNANIMOUS VOTE.

1.11 RESOLUTION NO. 97-04: PHOTO ENFORCEMENT CONTRACT WITH REDFLEX TRAFFIC SYSTEMS (Report: Director of Public Works)

Adopt RESOLUTION NO. 97-04 in order to approve an amendment to the contract for Photo Enforcement Services, extending these services for five years and authorize the City Manager or designee to execute the new contract.

DISCUSSION

In answer to **Councilmember Ramos**' question, **City Attorney Foley** indicates most of the fines collected from traffic violations go to the Courts. A small amount would go to the City, on a general basis.

Police Chief Davis indicates the Courts' accounting system for signal and sign violations does not separate out figures specifically for the photo enforced violations, so the figures have not been provided to the City. A reduction in the numbers for this type of violation has been noted.

Discussion ensues among **Council** and **Staff** concerning:

- o Compensation paid to the City
- o The importance of public safety

MOTION BY Lewis, SECOND BY McClellan, to approve Item 1.11.

MOTION CARRIES BY UNANIMOUS VOTE.