



City of Millbrae
621 Magnolia Avenue, Millbrae, CA 94030

WAYNE J. LEE
Mayor

ROBERT G. GOTTSCHALK
Vice Mayor

MARGE COLAPIETRO
Councilwoman

ANNE OLIVA
Councilwoman

REUBEN D. HOLOBER
Councilman

April 11, 2014

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
Bureau of Field Enforcement-Public Works
2031 Howe Avenue, Suite 100
Sacramento, CA 95825

Re: Case No. 40-38364/124

Dear Labor Commissioner:

This letter is in response to your request for information regarding the Red Light Photo Program – Millbrae Avenue. The City Council awarded a professional services agreement to American Traffic Solutions (ATS) on June 19, 2006 and the current extension is until October 16, 2015.

We have searched our records and have included the responsive items:

- Agreement with ATS dated June 19, 2006
- Agreement with ATS dated July 13, 2009
- First Amendment to agreement dated December 31, 2009
- Extension letter dated June 27, 2012
- Extension letter dated August 13, 2013

This letter fulfills your request for information. Please contact me at 650-259-2333 if you have questions.

Sincerely,

Angela Louis
City Clerk

/enclosures

City Council/City Manager/City Clerk
(650) 259-2334

Building Division/Permits
(650) 259-2330

Community Development
(650) 259-2341

Finance
(650) 259-2350

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Public Works/Engineering
(650) 259-2339

Recreation
(650) 259-2360

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over the age of 18 years, employed in the City of Millbrae, and not a party to the within matter; my business address is City of Millbrae, 621 Magnolia Avenue, Millbrae, California 94030.

April 11, 2014, I served the within letter regarding the State of California Labor Commissioner's request for information regarding Red Light Photo Program – Millbrae Avenue.


I am readily familiar with the practice of this business for collection and processing of documents for mailing with the United States Postal Service. Documents so collected and processed are placed for collection and deposit with the United States Postal Service that same day in the ordinary course of business. The above referenced document was placed in a sealed envelope, with postage thereon fully prepaid, addressed to the below-listed party, and such envelope was placed for collection and deposit with the United States Postal Service on the date listed below at Millbrae, California 94030.


Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
Bureau of Field Enforcement – Public Works
2031 Howe Avenue, Suite 100
Sacramento, CA 95825

(Via certified mail – Article # 7011 0470 0002 5757 0066)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 11, 2014, at Millbrae, California.


ANGELA LOUIS
City Clerk

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 2031 Howe Ave, Suite 100 Sacramento, CA 95825 TEL: 916-263-3305 FAX: 916-263-2906	Edmund G. Brown Jr., Governor 
City of Millbrae 621 Magnolia Ave. Millbrae, CA. 94030	
DATE: March 28, 2014	In Reply Refer to Case No: 40-38364/124

REQUEST FOR INFORMATION, AWARDING BODY

PROJECT NAME Red Light Photo Program - Millbrae Avenue		Project No. 0
Prime Contractor American Traffic Solutions, Inc.		
Subcontractor American Traffic Solutions, Inc.		

This office is currently conducting an investigation to determine if the above-mentioned contractor(s) are in violation of the Public Work Laws, Labor Code sections 1720 through 1861.

To assist us in our investigation, copies of the noted (x) documents and information are hereby requested:

- Contract (excluding specifications)
- Performance Bond and Payment Bond (Labor/Material Bond)
- Bid Notice and Date First Published _____
- Page(s) Listing Prevailing Wage Rate for the Project
- Page(s) Advising Contractor of Legal Requirements to Pay Prevailing Wage
- ____ Name(s) and Address(es) of all Subcontractor(s) performing work on this project
- Certified Payroll Records Received by Your Agency From Contractor
- Notice of Completion (County Recorder Filing) or Acceptance Document (Please attach copy)
- Date Project Began _____
- Completion Date _____ IF NOT, Estimated Date _____
- Amount of Money Still Being Held by Your Agency \$ _____
- Inspector's Daily Log(s)
- ____ Actual Location of Project _____
- Please advise if this project's funding requires the use of an approved Labor Compliance Program
- ____ Other _____

Please be assured that the above requested information will be utilized for official purposes only.
 Thank you for your assistance.

STATE LABOR COMMISSIONER

By 
 for Ying Wu
 Deputy Labor Commissioner I

**PROFESSIONAL SERVICES AGREEMENT
"AGREEMENT"**

Dual Red Light Photo Enforcement System

THIS AGREEMENT made this 19th day of June, 2006 between AMERICAN TRAFFIC SOLUTIONS, INC. (herein "ATS"), a corporation duly registered under the laws of the State of Kansas with its principal place of business at 14861 North Scottsdale Road, Suite 109, Arizona, County of Maricopa, State of Arizona, and the City of Millbrae, California (herein "Customer"), with principal offices at 621 Magnolia Avenue, Millbrae, CA 94030

WITNESSETH:

WHEREAS, ATS has the exclusive knowledge, possession and ownership of certain equipment, licenses, and processes, referred to collectively as the "Axisis™ System", and

WHEREAS, Customer desires to use the Axisis™ System to monitor red light violations, traffic speed or other traffic movements and to issue citations for traffic violations.

NOW THEREFORE, the parties agree:

1. DEFINITIONS:

As used in this Agreement, the following words and terms shall, unless the context otherwise requires, have the respective meanings provided below:

"Citation" means a citation issued by a competent state or municipal law enforcement agent or agency or by a court of competent jurisdiction relating to a violation documented or evidenced by the Axisis™ System.

"Person" or **"persons"** means any individual, partnership, joint venture, corporation, trust, unincorporated association, governmental authority or political subdivision thereof or any other form of entity.

"Dual Stationary Camera System" means a photo-traffic monitoring device consisting of one front and one rear camera and a traffic monitoring device capable of accurately detecting a traffic infraction on up to four lanes and which records such data on an image of such vehicle. "Stationary Camera System" shall, where the sense requires, also include any enclosure or cabinet in which the Axisis™ is stationed.

"Approach" is defined as one direction of travel of one or more lane on a road or a traffic intersection.

"Violation" means failure to obey an applicable traffic law or regulations, including, without limitation, failure to obey a traffic signal, operating a motor vehicle in excess of the posted speed limit, and operating a motor vehicle without displaying a valid license plate.

"Operational Time" means the actual time that a Stationary Camera System is monitoring traffic.

"VIMS Analysis" is a statistical assessment of violations rates at suspected problem intersections and approaches to determine the need for a red light system.



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GINA PAPAN
Vice Mayor
NADIA V. HOLOBER
Councilwoman
WAYNE J. LEE
Councilman
ROBERT G. GOTTSCHALK
Councilman

June 27, 2012

American Traffic Solutions, Inc.
14861 N. Scottsdale Rd., Ste. 109
Scottsdale, AZ 85254

To Whom It May Concern:

I am the Finance Director for the City of Millbrae, California (the "City"). I write regarding the City's January 9, 2009 Professional Services Agreement for Dual Red Light Photo Enforcement System with American Traffic Solutions, Inc. ("ATS"), as amended December 31, 2009 (the "Agreement").

First, please accept this written notice pursuant to the Agreement, Paragraph 4(a), that the City has exercised its option to continue the Agreement for a two year period, beginning October 16, 2011, and ending October 16, 2013. As also set forth in the Agreement, Paragraph 4(a), the City reserves its option to extend the term of the Agreement by an additional two years beginning October 16, 2013, if it chooses to do so at that time.

Second, the City has recently come to believe that the photo enforcement system installed at the intersection of Millbrae Avenue and Rollins Road, covering the westbound left-turn lane from Millbrae Avenue onto Rollins Road ("Location M105") is neither beneficial nor necessary to ensure the public's health, safety, or welfare. Accordingly, pursuant to the Agreement, Exhibit A, section 2(i), as amended on December 31, 2009, the City requests that ATS remove the camera installed at and covering Location M105. The City requests that ATS complete this removal as soon as possible and, in any event, to cease charging the City for the Location M105 camera on or before July 1, 2012.

Please let me know if you have any questions or require any additional information to fulfill the City's requests in this regard.

Very truly yours,

Handwritten signature of LaRae Brown in blue ink.

LaRae Brown
Finance Director
Phone: (650) 259-2433
Email: lbrown@ci.millbrae.ca.us

Cc: Joan Cassman, City Attorney
Matthew Pangalos, San Mateo Police Department

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Councilman

ANNE OLIVA
Councilwoman

August 13, 2013

Bose Adewusi, Associate Account Manager
American Traffic Solutions, Inc.
1330 West Southern Avenue I
Tempe, AZ 85282

Dear Ms. Adewusi,

After a review of our options, the City of Millbrae decided not to exercise the contract extension which would have resulted in a contract expiration date of November 15, 2013. In accordance with Section 4 (a) of the Photo Enforcement Services Agreement, the term of this contract has been extended for an additional two years through October 16, 2015. We look forward to continuing our relationship.

Sincerely,

Genevieve Frederick
Finance Director

Cc: Joan Cassman, City Attorney

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