



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council **Item No.** _____

FROM: City Manager

SUBJECT: A Resolution Approving the Second Amendment to the Agreement with Redflex Traffic Systems, Inc. for Automated Red Light Photo Enforcement Cameras

MEETING DATE: December 3, 2019

RECOMMENDATION:

Approve and adopt the Resolution approving the Second Amendment to the Agreement with Redflex Traffic Systems for the installation of a Red Light Photo Enforcement Program, and assign the number next in order.

BACKGROUND:

Redflex provides the highest standards and integrity in the industry, with a proven product backed by individuals of the highest quality, which has a long and extensive track record for providing the state-of-the-art technology and demonstrated results for reducing intersection related collisions and saving lives.

Redflex has worked extensively with the City of Commerce since 2002 to develop a Red Light Photo Enforcement Program. At the request of both the Community Services and Traffic Commissions, the City Council viewed a power point presentation prepared by Dr. Aaron Rosenberg, Vice President of Redflex Inc., on December 2, 2003. At the conclusion of the presentation, and during the ensuing discussion, the City Council asked staff to conduct further research on the Redflex Red Light Photo Enforcement Program and return to it with an agreement for consideration.

On September 21, 2004, the City Council conducted a public hearing to consider public input on the proposal provided by Redflex. At the conclusion of the public hearing, the City Council directed staff to provide additional information regarding the proposed system and authorized the City Administrator to execute the agreement with Redflex, which included certain specific assurances for the protection of the City.

On January 2, 2007, the City Council approved the implementation of the Redflex Red Light Photo Enforcement Program.

On November 5, 2012, the City Council approved the continuation of the Redflex Red Light Photo Enforcement Program by approving the First Amendment to the original agreement.

ANALYSIS:

Staff is recommending that the City continue its relationship with Redflex under the following terms:

- The Agreement shall commence on the Effective Date of this Second Amendment and shall remain and continue in effect for a period of three (3) years, unless sooner terminated pursuant to the provisions of the Agreement ("Initial Renewal Term"). The City shall have the option to extend the Initial Renewal Term for up to two (2) additional consecutive two (2) year time periods following the expiration of the Initial Renewal Term.

- The annual cost remains unchanged -- **\$403,200**

Redflex will continue to assume all risks for the program, and will be compensated on a fixed fee basis, which is in compliance with applicable California Vehicle Code(s). The City shall be under no obligation to provide funding for construction, implementation or operation of the program. The City shall be responsible for monitoring traffic impacts of the program and for providing personnel to review and approve the citations that are issued, along with overall program oversight.

The Redflex program is contractually guaranteed to be cost neutral with no upfront or out-of-pocket costs to the City. Redflex assumes all financial risk.

FISCAL IMPACT:

The red light photo enforcement program continues to generate revenue to the General Fund since its implementation – approximately **\$250,000 to \$275,000 annually**.

RELATIONSHIP TO STRATEGIC GOALS:

This report before the Council is not applicable to any specific 2016 Strategic Plan goal; however, it is related to the following: Fiscal Sustainability – *The City of Commerce will implement innovative and responsible policies and business practices to effectively manage its fiscal and human resources. The City will maintain a stable financial environment that is transparent and supports an outstanding quality of life for our community. City business practices will be efficient, business friendly and ensure exceptional customer service.*

Recommended by: Vilko Domic, Assistant City Manager

Approved as to form: Noel Tapia, City Attorney

Respectfully submitted: Edgar Cisneros, City Manager

ATTACHMENT:

1. Resolution
2. Agreement

**SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY
OF COMMERCE AND REDFLEX TRAFFIC SYSTEMS, INC. FOR
AUTOMATED PHOTO ENFORCEMENT CAMERAS**

This Second Amendment is made as of this ____ day of _____ 2019 (“Effective Date”) by and between the **City of Commerce**, a municipal corporation (“City”) and **Redflex Traffic Systems, Inc.** (“Consultant”). City and Consultant are sometimes hereinafter individually referred to as a “Party” and collectively referred to as the “Parties.”

RECITALS

WHEREAS, on or about January 2, 2007, the Parties entered into the Agreement between the City of Commerce and Redflex Traffic Systems, Inc. for Automated Photo Enforcement Cameras for Consultant to provide photo-enforcement services to the City (“Original Agreement”); and

WHEREAS, on or about November 5, 2012, the Parties amended the Original Agreement to extend the term of the Original Agreement and to make other modifications as set forth therein (“First Amendment”) (the Original Agreement together with the First Amendment, collectively, the “Agreement”); and

WHEREAS, by letter dated October 14, 2019, the Parties extended the term of the Agreement until December 5, 2019; and

WHEREAS, City desires to continue utilizing the services of Consultant as an independent contractor to provide photo enforcement services within the City as set forth in the Agreement; and

WHEREAS, Consultant represents that it is fully qualified to perform such consulting services by virtue of its experience and the training, education and expertise of its principals and employees.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the Parties hereto agree as follows:

1. Term of Agreement. Notwithstanding anything to the contrary, the term of the Agreement shall commence on the Effective Date of this Second Amendment and shall remain and continue in effect for a period of three (3) years, unless sooner terminated pursuant to the provisions of the Agreement (“Initial Renewal Term”). The City shall have the option to extend the Initial Renewal Term for up to two (2) additional consecutive two (2) year time periods (each a “Renewal Term”) following the expiration of the Initial Renewal Term or applicable Renewal Term. (The Initial Renewal Term together with each exercised Renewal Term is collectively the “Term.”) The City may exercise the right to extend the Term for a Renewal Term by providing written notice to Redflex not less than thirty (30) days prior to the expiration of the Initial Renewal Term

or the applicable Renewal Term, as the case maybe.

2. Compensation. Exhibit D attached to the First Amendment shall be revoked in its entirety and replaced with the Exhibit D attached to this Second Amendment. Consultant shall submit proper monthly invoices in the form and manner specified by City. Each invoice shall include a monthly breakdown of all monthly services performed. Consultant shall maintain appropriate and necessary documentation supporting the monthly invoices detailing the type of service provided. It shall be available for review by the City at all reasonable times upon request.

3. Termination for Convenience. Notwithstanding anything to the contrary, either Party may terminate this Agreement for any reason upon not less than thirty (30) business days' written notice to the other Party.

4. General Terms and Conditions. Except as modified herein, the terms and conditions set forth in the Agreement shall remain in full force and effect. In the event of any inconsistency between the Second Amendment and the Agreement, the Second Amendment shall control. Any capitalized terms not defined in the Second Amendment shall have the meanings ascribed to them in the Agreement. The City warrants and represents that it has complied with all applicable state and local procurement laws when entering into this Second Amendment.

5. Addresses.

City of Commerce

City of Commerce
2535 Commerce Way
Commerce, CA 90040
Attn: Edgar P. Cisneros, City Manager

Company

Redflex Traffic Systems, Inc.
Attn: Legal Department
5651 W. Talavi Blvd., Suite 200
Glendale, AZ 85306

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates written below.

CITY

CITY OF COMMERCE

By: _____
John Soria, Mayor

Date

CONSULTANT

Redflex Traffic Systems, Inc.

By: _____
Mark Talbot

Date

ATTEST:

By: _____
Lena Shumway, City Clerk

Date

APPROVED AS TO FORM:

By: _____
Noel Tapia, City Attorney

Date

EXHIBIT “D”
Compensation and Pricing

Fixed Monthly Fee Per Designated Intersection Approach

The City agrees to compensate Consultant for services under this Agreement in the amount of \$3,733.33 per Designated Intersection Approach per month.



City of Commerce

Meeting Minutes

Tuesday, December 3, 2019 - 5:00 PM

**CONCURRENT JOINT MEETINGS OF THE CITY COUNCIL OF THE CITY OF
COMMERCE, JOINT POWERS FINANCING AUTHORITY AND THE GOVERNING BODY
OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT
COMMISSION**

5:00 P.M. CLOSED SESSION

CALL TO ORDER

Mayor Soria called meeting to order at 5:09 p.m. in the Council Chambers.

ROLL CALL

Present: 4 - Mayor Soria
Mayor Pro Tem Altamirano
Councilmember Mendoza
Councilmember Rebollo

Absent: 1 - Councilmember Argumedo

PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no individuals wishing to address the City Council/Successor Agency on any items on the Closed Session agenda.

RECESS TO CLOSED SESSION

City Council/Successor Agency recessed to Closed Session at 5:10 p.m.

- 1.** Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1). One (1) case: ZVI (aka) Harry Ryzman and Betty Ryzman, as Trustees of the Ryzman Family *v the City of Commerce, acting in a separate limited capacity elected to serve as the Successor Agency to the Commerce Community Development Commission et al.* - Superior Court of the State of California, County of Los Angeles, Case No. 19STCP02821.
- 2.** Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1). One (1) case: East Yard Communities for Environmental Justice *v the City of Commerce, et al.* - Superior Court of the State of California, County of Los Angeles, Case No. 19STCP03310.
- 3.** Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1). One (1) case: Coalition for Responsible Equitable Economic

Development Los Angeles, an unincorporated association; Carlos Mendivil, James Moreno and David Pimenov *v the City of Commerce, the City Council of the City of Commerce, and City of Commerce Public Works and Development Services department et al.* - Superior Court of the State of California, County of Los Angeles, Case No. 19STCP03329.

4. Pursuant to Government Code §54956.8, the City Council will confer with its real property negotiators, City Manager Edgar Cisneros and Assistant City Manager Vilko Domic, with respect to real estate negotiations with Craig Realty Corporation concerning proposed price and other terms relating thereto, comprised of the former Commerce Community Development Commission-owned real property located along the Telegraph Road Corridor, south of Gaspar Avenue and north of the Commerce Casino [Tubeway Avenue], formerly known as 5809, 5819, 5823, 2901/2903, 5933, 5901, 5959, 6000, 6003 and 6233 Telegraph Road and 2240 Gaspar Avenue; 2311, 2322 and 2366 Travers Avenue, Commerce, California.

RECONVENE TO OPEN SESSION

City Council/Successor Agency reconvened to Open Session at 6:05 p.m.

ORAL CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Copado reported on Closed Session items:

Item #1- Legal Counsel and the City Manager Cisneros provided an update to City Council, further direction was provided to staff by consensus and no reportable action was taken on this item.

Items #2 and #3 - Legal Counsel provided an update, and no reportable action was taken on these items.

Item #4 - City Manager Cisneros and Assistant City Manager Domic provided an update to the City Council, further direction was provided by consensus and no reportable action was taken on this item.

6:00 P.M. - CITY COUNCIL MEETING

CALL TO ORDER

Mayor Soria called regular City Council meeting to order at 6:10 p.m. in the Council Chambers.

ROLL CALL

Present: 4 - Mayor Soria
Mayor Pro Tem Altamirano
Councilmember Mendoza
Councilmember Rebollo

Absent: 1 - Councilmember Argumedo

PLEDGE OF ALLEGIANCE

City Manager Cisneros led the Pledge of Allegiance

INVOCATION

Councilmember Mendoza offered the invocation.

PRESENTATIONS

1. Commendation Recognizing Jorge Renteria of Calmet Services, Inc. for His Exceptional Service to Bandini Neighborhood Residents

Councilmembers and Mayor recognized Jorge Renteria of Calmet Services, Inc. for his service to Bandini Neighborhood residents.

PUBLIC COMMENT

Dave Rodriguez made suggestions for the Veteran's park development, and spoke about potential contamination at the upcoming Citadel development.

James Hermann spoke in opposition of cannabis in the City of Commerce.

Item #10 - Richard Hernandez read a letter on behalf of Magdi Hanna. Mr. Hanna opposed 7-11 development. Mr. Hanna owns business in the area that will be affected by this development.

Item #10 - Richard Hernandez spoke in opposition of 7-11 approval.

Sharon Basic spoke in opposition of 7-11, and complimented staff on good job during Black Friday as it relates to traffic control.

CONSENT CALENDAR

Councilmember Rebollo asked to pull #7 for discussion, and Councilmember Mendoza asked to pull item #4 for discussion.

Item #4 - City Manager Cisneros provided a quick overview of the staff report. Councilmember Mendoza raised questions about additional contingency costs included with this amendment, to which City Manager Cisneros recommended to

continue this item to the next regular scheduled meeting.

Councilmember Rebollo moved, seconded by Councilmember Mendoza, to continue this item to December 17, 2019, City Council meeting. The motion carried by the following vote:

AYES: Councilmembers Mendoza, Rebollo, Mayor Pro Tem Altamirano and Mayor Soria (4)

Absent: Councilmember Argumedo (1)

Item #7 - Discussion took place whether existing customer that utilize the City facilities for the filming would have to go through this company or the City would retain all revenue as in the past. In addition, 30% gross cost fee was discussed, and City Manager Cisneros stated that this proposed fee is in line with other jurisdictions. City Manager Cisneros stated that the agreement could be amended to exclude the existing companies from this agreement.

Councilmember Rebollo moved, seconded by Mayor Soria, to adopt Resolution approving Professional Services Agreement for film scouting services between the City of Commerce and Plan A Locations, and include in the agreement that top five existing companies be excluded from this agreement. The motion carried by the following vote:

AYES: Councilmembers Mendoza, Rebollo, Mayor Pro Tem Altamirano and Mayor Soria (4)

Absent: Councilmember Argumedo (1)

Mayor Pro Tem Altamirano moved, seconded by Councilmember Rebollo, to approve the Consent Calendar minus items #4 and #7. The motion carried by the following vote:

Ayes: 4 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Mendoza, and Councilmember Rebollo

Absent: 1 - Councilmember Argumedo

2. Approval of Warrant Register Nos. 10A and 10B
3. Approval of Minutes
4. Contract Change Order No. 3 to R2Build dba R2B Engineering for Supplying Electrical Power to the Existing CNG Fueling Station Next to the Commerce Refuse-to-Energy Facility

5. Modifications to Certain Part-Time Classifications Due to Changes in State of California Minimum Wage Hourly Rates
6. Second Amendment to the Agreement with Redflex Traffic Systems, Inc. for Automated Red Light Photo Enforcement Cameras
7. Agreement with Plan A Locations for Film Scouting to Market and Promote City Owned Facilities/Grounds for Potential Filming Locations

PUBLIC HEARING

8. Ordinance Amending Title 19 (Zoning), Chapter 19.13.030 of the Commerce Municipal Code Increasing the Allowable Height and Floor Area Ratio for Commercial Public Facility Zone - First Reading

Knarik Vaizcarra, Contract Planner, provided an overview of the staff report.

Mayor Soria opened Public Hearing. There were no individuals wishing to speak on this item. Mayor Soria closed Public Hearing.

Mayor Pro Tem Altamirano moved, seconded by Mayor Soria, to introducing Ordinance for first reading amending Title 19 (Zoning), Chapter 19.13.030 (Development Standards -Public Facility Zone), Table 19.13030 A of the Commerce Municipal Code related to height and floor area ratio in the Commercial Public Facility (CPF) Zone and read the Ordinance by title Only. The motion carried by the following vote:

Ayes: 4 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Mendoza, and Councilmember Rebollo

Absent: 1 - Councilmember Argumedo

9. Ordinance Amending Title 12 (Home Occupation Permits), Sections 19.39.820 (Initiation) and 19.39.830 (Proceedings) Streamlining Home Occupation Permit Process by Removing the Need for a Public Hearing, and Providing Clearer Regulations Specifying Allowed and Prohibited Uses -First Reading

Knarik Vizcarra, Contract Planner, provided an overview of the staff report.

Mayor Soria opened Public Hearing. There were no individuals wishing to speak on this item. Mayor Soria closed Public Hearing.

Discussion took place.

Mayor Pro Tem Altamirano moved, seconded by Mayor Soria, to introducing

Ordinance for first reading amending Title 12 (Home Occupation), Sections 19.39.820 (Initiation) and 19.39.830 (Proceedings) streamlining home occupation permit process by removing the need for a Public Hearing, and providing clearer language regarding the type of uses that are and are not appropriate as home occupations and read the ordinance by title only. The motion carried by the following vote:

Ayes: 4 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Mendoza, and Councilmember Rebollo

Absent: 1 - Councilmember Argumedo

10. Notice of Exemption from the California Environmental Quality Act (CEQA) and a Resolution Approving the Appeal of a Conditional Use Permit No. 528 and Variance No. 18-01 -Continue Public Hearing

Mayor Soria opened Public Hearing. There were no additional individuals wishing to speak on this item. There were three individuals that spoke during Public Comment. Mayor closed Public Hearing.

Mayor Pro Tem Altamirano moved, seconded by Mayor Soria, to continuing public hearing to December 17, 2019 Council meeting. The motion carried by the following vote:

Ayes: 4 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Mendoza, and Councilmember Rebollo

Absent: 1 - Councilmember Argumedo

SCHEDULED MATTERS

11. Electronic Pre-Trip Inspection/Bus Operator Safety Precautions

Greg Guzman and Jose Castillo, Transportation Department employees, provided a presentation about transportation pre trip and post trip electronic software used and tablets for logging and inspecting bus trips. Discussion took place. No action was taken on this item. it was informational only.

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

Councilmember Rebollo reported that she attended Christina Garcia's press release event announcing approval of AB 142 that secured 40 million dollars for Exide clean-up. This funding would allow clean-up of Tier 2 and 3 homes.

Councilmember Mendoza thanked Johncito Peraza for inviting him to Boyle Heights Christmas parade. Councilmember Mendoza stated that Vegas trip was an amazing event, and thanked staff for well-managed traffic during the Black Friday event.

Mayor Pro Tem Altamirano complimented staff for traffic control during Black Friday.

Mayor Soria asked that everyone keep Juan Munoz in prayers and wish him to recover quick.

ADJOURNMENT

Meeting adjourned at 7:18 pm.