

# **AGENDA**

## **PUBLIC SAFETY COMMITTEE**

**January 13, 2009**  
**9:30 A.M.**

**Laguna Woods City Hall**  
**Council Chambers**  
**24264 El Toro Road**  
**Laguna Woods, CA 92637**

**AGENDA DESCRIPTION:** The Agenda descriptions are intended to give notice, to members of the public, of a general summary of items of business to be transacted or discussed. Any person wishing to address the Public Safety Committee on any matter, whether or not it appears on this agenda, may do so under the appropriate section of the agenda. Whenever possible, lengthy testimony should be presented to the Committee in writing (12 copies) and only pertinent points presented orally. Requests to speak to items on the agenda shall be heard at the appropriate point on the agenda; requests to speak about subjects not on the agenda will be heard during the Public Comment section of the meeting.

### **I. CALL TO ORDER**

### **II. ROLL CALL**

### **III. COMMITTEE BUSINESS**

#### **A. Redlight Cameras (Attachment)**

**RECOMMENDED ACTION:** Consider modifications to the current redlight camera contract and enforcement procedures and make recommendations to the City Council.

#### **B. Neighborhood Watch**

**RECOMMENDED ACTION:** Discuss the benefits of implementing neighborhood watch programs in the City and provide suggestions to staff and the Orange County's Sheriff's Department.

### **IV. PENDING PROJECTS UPDATE**

#### **A. No Right Turn at Redlight Locations**

B. Moulton Parkway Improvements

**V. SUBCOMMITTEE UPDATES**

A. Animal Services

B. Hoarding

**VI. COMMITTEE MEMBER COMMENTS**

**VII. PUBLIC COMMENTS**

**VIII. ADJOURN**

**The next regular meeting of the Public Safety meeting is scheduled for February 10, 2010. All regular meeting are subject to cancellation due to a lack of agenda items.**

**PUBLIC SAFETY COMMITTEE**  
**Meeting Recap**

**October 14, 2009**  
**9:30 A.M.**

**Laguna Woods City Hall**  
**Council Chambers**  
**24264 El Toro Road**  
**Laguna Woods, CA 92637**

**I. CALL TO ORDER**

Chair Templeton called the meeting to order at 9:30 a.m.

**II. ROLL CALL**

**Present:** Baumann, Henderson, Horne, Letcher, Margolis, Min,  
Rosenblatt, Templeton, Venable

**Absent:** Leuck, Stone

**III. COMMITTEE BUSINESS**

**A. No Right Turn on Redlights**

The Committee voted as follows on proposed locations for no right turn on red lights:

- El Toro and Town Centre – westbound  
3-6 AYES: Letcher, Templeton, Rosenblatt  
NOES: Baumann, Henderson, Horne, Margolis, Min,  
Venable
  
- El Toro and Gate 5 (Avenida Sevilla) – westbound  
8-1 AYES: Baumann, Henderson, Horne, Letcher, Min,  
Rosenblatt, Templeton, Venable  
NOES: Margolis

- El Toro and Gate 7 (Calle Sonora) - westbound
  - 5-4 AYES: Baumann, Henderson, Min, Rosenblatt, Templeton
  - NOES: Horne, Letcher, Margolis, Venable
- El Toro and Gate 5 (right turn from Avenida Sevilla)
  - 4-5 AYES: Baumann, Henderson, Min, Templeton
  - NOES: Horne, Letcher, Margolis, Rosenblatt, Venable

Dissenting votes were attributed to a perceived lack of justification for the proposed restrictions. Individual committee members stated that they believe that the restrictions would be acts of overregulation and questioned whether or not there was sufficient evidence of problems to warrant no right turns on red lights.

City Manager Keane confirmed that she will inform the Golden Rain Foundation and the Laguna Woods Village mutuals of the Committee's recommendations.

**B. Pet Limit Exception Permits (Attachment)**

The Committee voted 1-8 against recommending that the City Council modify the process and fee for private kennel licenses to establish a small kennel permit and fee.

AYES: Templeton  
 NOES: Baumann, Henderson, Horne, Letcher, Margolis, Min,  
 Rosenblatt, Venable

**C. Vice Chair Appointment**

The Committee unanimously appointed Hal Horne to serve as the vice chair in the absence of the chairperson.

**D. Landscape Subcommittee**

The Committee unanimously appointed Hal Horne as the Public Safety Committee liaison to the Landscape Subcommittee.

E. Community Emergency Response Team Academy (Attachment)

City Manager Keane discussed the upcoming Community Emergency Response Team academy.

F. November Meeting

The Committee unanimously voted to cancel the next regular meeting scheduled for November 11, 2009 at 9:30 a.m. due to Veterans Day.

**IV. SUBCOMMITTEE UPDATES**

A. Animal Services – None

B. Hoarding

The Hoarding Subcommittee did not meet this month. The Committee unanimously appointed Ken Min to the subcommittee. Stu Venable discussed a hoarding seminar that he attended in Long Beach.

**V. COMMITTEE MEMBER COMMENTS**

At Nate Rosenblatt's request, City Manager Keane provided an update on San Sebastian, including that the project is close to receiving its final certificate of occupancy.

**VI. PUBLIC COMMENTS**

Mayor Pro Tem Milt Robbins thanked the Committee for volunteering their time to advise the City Council on matters of public safety.

**VII. ADJOURN**

The next regular meeting of the Public Safety Committee will be at 9:30 a.m. on December 9, 2009, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

## City of Laguna Woods Agenda Report

**FOR:** January 13, 2010 Public Safety Committee Meeting  
**TO:** Public Safety Committee Members  
**FROM:** Douglas C. Reilly, Assistant City Manager  
**Agenda Item:** Redflex Traffic Systems Contract Amendment and Extension

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### Recommendation:

Consider modifications to the current redlight camera contract and enforcement procedures and make recommendations to the City Council, which may include:

- 1A. Approve an amendment to the contract with Redflex Traffic Systems, Inc. to delete the cost neutrality provision, extend the term for five years to July 2015, and establish a new monthly payment for red light camera services at the intersections of Moulton Parkway/El Toro Road and Moulton Parkway/Gate 12.

OR

- 1B. Terminate the contract with Redflex Traffic Systems, Inc.

AND

- 2A. Continue use of the California Vehicle Code to determine red light camera violations.

OR

- 2B. Approve establishment of administrative citations for red light camera violations.

**Background**

The City Council approved a contract with Redflex Traffic Systems, Inc. in June 2005 for automated red light photo enforcement equipment and services at the intersections of Moulton Parkway/El Toro Road and Moulton Parkway/Gate 12. A section under Exhibit D of the contract related to Compensation and Pricing provides that “If City’s costs exceed revenues received from redlight citation fines, Contractor shall lower its monthly fixed fee to ensure cost neutrality. If there is a discrepancy, Contractor shall issue a ‘Cash Back Refund’ to City in order to provide total cost neutrality for the term of the Agreement.” The effect of this cost neutrality contract provision is to lower the cost of Redflex services to an amount equal to red light camera-related revenues collected. These fluctuate monthly but have declined overall below the \$27,350 monthly fee, which equals \$328,200 per year, to approximately \$25,442 monthly.

**Discussion**

The use of cameras for the enforcement of red light running violations at signalized intersections has become increasingly widespread in California and the rest of the United States. Red light photo enforcement systems are currently being utilized in over 40 cities across California, including Santa Ana, San Juan Capistrano, Costa Mesa and Garden Grove in Orange County. Local agencies have found that the use of red light cameras can reduce red light running by about 30 percent and, more importantly, reduce the number of accidents at equipped intersections.

In Laguna Woods, between calendar years 2006 and 2009, the number of red light violations has decreased by 18%. Before the installation of the cameras at Moulton Parkway/El Toro Road and Moulton Parkway/Gate 12, there were a number of serious accidents at both intersections, including one involving an ambulance on a call, and many more near misses. Since the installation, the number of accidents has decreased and drivers appear to be more careful as they approach the traffic signals.

There have been several court cases heard recently in California Superior Courts that challenge the legality of the cost neutrality provision of red light camera contracts with cities and counties. A recent case in the City of Turlock involved a challenge to the City’s red light camera contract provision that “In any given month, if the program cost exceeds collected revenues, the balance will be carried over to the next month in which the cost can be met. That carry-over can continue for the term of the contract...Payment will only be made by the City of Turlock up to the amount of revenue received by the City through the collection of red light citations, up to the

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total due.” A November 2009 appellate ruling by a California Superior Court judge found that this scheme runs afoul of state law banning per ticket compensation. Earlier, the court found that a similar cost neutrality provision in a contract between the City of Fullerton and Nestor Traffic Systems was illegal and all tickets issued by the system were declared void.

The City Attorney has considered the Laguna Woods agreement with Redflex Traffic Systems defensible because the contractor makes no determination about whether or not a ticket is issued. Still photos and videos of incidents captured by the system are reviewed by a Sheriff’s deputy. However, Redflex does make the initial determination about whether to send on the incident based on the existence of minimum evidentiary information (i.e., clear photos of driver’s face and front and rear license plates).

The California Supreme Court is currently considering the question of whether contracts for red light camera services paid on a per-ticket basis are inherently void. Argument on the red light camera question is on hold pending resolution of a related case, County of Santa Clara v. Atlantic Richfield.

Staff recommends that the City revise the contract with Redflex to delete the cost neutrality provision, with the result that the City would pay the flat fee for service already included in the contract. Staff is negotiating a monthly amount that reflects average monthly citation revenues. An alternative would be to terminate the contract and end the automated red light camera program. Despite the cost implications, staff believes that the red light camera system has worked effectively to reduce red light running and related accidents at both intersections served. Staff also believes that the contract with Redflex should be extended for five years, to July 2015, to maintain the program and its public safety benefits, and to lock in the flat fee for this extended period.

A second issue is whether to adopt administrative citations for red light violations, as some cities in California have started to do. Fines for these citations are set by each city, whereas fines for California vehicle code violations are set by the state. In the case of red light violations, the vehicle code fine is \$446, plus an additional \$50 for traffic school. The City collects only approximately \$166 of that amount. Administrative citations are typically set much lower for first time offenses (e.g., \$100), with fines increasing for subsequent violations. However, running a red light is considered a serious infraction by law enforcement agencies and the courts, so the question of whether to adopt such administrative citations must be considered carefully given the effectiveness to date in reducing violations and accidents.



**Fiscal Impact**

In Fiscal Year (FY) 2008-2009, the City paid Redflex \$305,307, or \$22,893 less than the fixed cost of \$328,200 for the services provided at the two intersections served by red light cameras. The amount paid matched the revenues received from red light camera citations. Eliminating the cost neutrality provision will require the City to pay a full monthly fee, regardless of the amount of citation revenues. Staff is negotiating with Redflex to lower the monthly fee from its current amount. However, the result may be a cost in excess of revenues collected annually.

Adoption of administrative citations for red light violations, with lower fines set than for vehicle code violations, would also reduce the amount of citation revenues collected by the City.

**Conclusion**

The City's contract with Redflex Traffic Systems calls for revenue neutrality in the event that revenues from red light photo enforced citations are less than the monthly fee charged for service and equipment. Recent court cases have found these provisions in violation of state law governing the operation of automated red light camera systems. Approval of a contract amendment eliminating the cost neutrality provision would ensure that red light camera citations could not be challenged under the per-ticket payment for services argument. Extending the contract for five years would lock in the new flat fee and the public safety benefits of the program.