



AGENDA REPORT

Meeting Date: September 20, 2012
Item Number: F-7
To: Honorable Mayor & City Council
From: David L. Snowden, Chief of Police
Subject: **AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND REDFLEX TRAFFIC SYSTEMS, INC. FOR PHOTO RED LIGHT ENFORCEMENT PROGRAM**

Attachments: 1. Amendment

RECOMMENDATION

It is recommended that the City Council approve the amendment between the City and Redflex Traffic Systems, Inc. to continue to provide assistance in administering the photo red light enforcement program. The proposed amendment provides for a one-year continuation of current services with an option to extend services for two additional consecutive one year periods. There are no planned changes or expansions to the operation of the current program. The operating costs are expected to continue to be completely offset by the Court imposed fees.

INTRODUCTION

The photo red light enforcement program is a public safety program that began in 1997 and has contractually utilized Redflex Inc. to provide assistance in administering the program since October 2007. This agreement was extended once in October 2008 to October 15, 2012, which was the only extension option contractually expressed.

With a violation capture-to-issuance rate of 85%, the photo red light enforcement program has resulted in the issuance of over 77,500 citations since January 2008. The high visibility advisement signage and cameras at the monitored intersections serve to remind the driving public to obey the traffic signals and serves to motivate a positive change in driving behavior. This program also allows for the continuous monitoring of

nine approaches to some of our busiest intersections. Beyond traffic enforcement, the current system continuously records monitored intersections. These recordings are frequently used by the police department for rapid crime investigation and follow up.

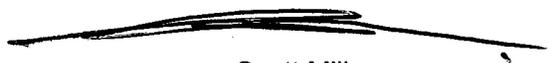
There is a high level of customer service that comes with citations issued through this program. Traditional red light citations that are issued by a police officer are generally based entirely on the officer's observations which a violator may feel are inaccurate, biased, or at least subjective. The photo red light program allows for each violator to actually view a more objective video clip of the alleged violation, related facts such as speed, along with an explanation of the incident by an officer prior to courtroom adjudication.

Although there is pending litigation being reviewed by the State Supreme Court regarding the procedural aspects of photo red light enforcement, any judicial decision would likely have only temporary effect on the administration of the program.

Other vendors were also considered for this program. However, staff believes that the cost of amortizing new equipment over a short-term contract and the time required for the installation of that equipment makes a short-term agreement with Redflex Inc. the only viable option.

FISCAL IMPACT

During the 2011-2012 fiscal year, the photo red light enforcement program generated in excess of \$1.68 million gross. This represents a decline of approximately 15% from a little more than \$2 million the previous fiscal year. The full cost of operating this program (cost of staffing and Redflex) is estimated not to exceed \$830,000 for the one year extension of the Agreement. Although this program is a public safety program and not designed as a revenue generator, the City of Beverly Hills received in excess of \$850,000 net revenue from the program during the last fiscal year. Although the recent revenue decline appears to have stabilized, it is not certain if this decline will continue. However, this single year extension, with options to further extend the services, will minimize the remote possibility that judicial decisions would render the program "cost negative."



Scott Miller
Finance Approval

CAPT MARK ROSEN
David L. Snowden

Approved By

FOR CHIEF SNOWDEN

Council will be advised if agreement is not signed by Thursday.

Attachment 1

AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF
BEVERLY HILLS AND REDFLEX TRAFFIC SYSTEMS, INC. FOR PHOTO
RED LIGHT ENFORCEMENT PROGRAM

NAME OF CONSULTANT: Redflex Traffic Systems, Inc.

CONSULTANT'S DESIGNATED REPRESENTATIVE: Karen Finley, President & CEO

CONSULTANT'S ADDRESS: 5835A Uplander Way
Culver City, CA 90230

CITY'S ADDRESS: City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210
Attention: Gregg Mader
Title: Sergeant, Police Department

CITY'S DESIGNATED REPRESENTATIVE: Sgt. Gregg Mader

COMMENCEMENT DATE: Installation Date

TERMINATION DATE: October 14, 2013, unless extended pursuant to Section 2 of
the Agreement

COMPENSATION: Not to exceed \$633,960 per year based on the rates set
forth in Exhibit D

AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF
BEVERLY HILLS AND REDFLEX TRAFFIC SYSTEMS, INC. FOR PHOTO
RED LIGHT ENFORCEMENT PROGRAM

This Amendment No. 1 is to the Agreement between the City of Beverly Hills (hereinafter called "City") and Redflex Traffic Systems, Inc. (hereinafter called "Redflex") dated October 2, 2007 and identified as Contract No. 406-07.

RECITALS

A. CITY entered into a written agreement with Redflex dated October 2, 2007 for an automated red light program.

B. City now desires to amend the Agreement to extend the term of the Agreement.

NOW, THEREFORE, the parties agree as follows:

Section 1. The termination date shall be extended as set forth above.

Section 2. Section 2.1 shall be added to the Agreement as follows:

"2.1 Extension of Term. The term of this Agreement, which commenced on the Installation Date of the Program and was extended for one (1) additional four (4) year term, shall be further extended for an additional one (1) year term through October 14, 2013. The City Manager may extend the term of the Agreement for up to two (2) additional consecutive one (1) year periods by providing written notice to Redflex not less than thirty (30) days prior to September 14, 2013."

Section 3. Exhibit A entitled "Designated Intersection Approaches" shall be amended as attached hereto and incorporated herein.

Section 4. Except as specifically amended by this Amendment No. 1, the Agreement dated October 2, 2007 and identified as Contract No. 406-07 shall remain in full force and effect.

CITY OF BEVERLY HILLS,
A municipal corporation

WILLIAM W. BRIEN, M.D.
Mayor of the City of
Beverly Hills, California

[Signatures continue]

ATTEST:

BYRON POPE
City Clerk

(SEAL)

"Redflex": REDFLEX TRAFFIC
SYSTEMS, INC.,
A California corporation

KAREN FINLEY
President & Chief Executive Officer

ANDREJIS BUNKSE
Company Secretary

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager

DAVID SNOWDEN
Chief of Police

KARL KIRKMAN
Risk Manager

EXHIBIT A

Designated Intersection Approaches

This Agreement is for the implementation of up to 20 Intersection Approaches which includes operational services of the following current nine (9) Fixed Equipment Locations:

1. BEH-BEWI-01 – Beverly Drive / Wilshire Blvd.
2. BEH-OLDO-01 – Olympic Blvd. / Doheny Drive
3. BEH-OLDO-03 – Olympic Blvd. / Doheny Drive
4. BEH-OLRO-01 – Roxbury Drive / Olympic Blvd.
5. BEH-OLSP-01 – Spaulding / Olympic Blvd.
6. BEH-SUHI-01 – Sunset Blvd. / Hillcrest Road
7. BEH-SUHI-03 – Sunset Blvd. / Hillcrest Road
8. BEH-WIWH-01- Wilshire Blvd. / Whittier Drive
9. BEH-WIWH-01- Wilshire Blvd. / Whittier Drive