

January 19, 2005
 Capitola, California

CAPITOLA CITY COUNCIL

MINUTES OF A SPECIAL MEETING

Mayor Arthur called the Special Goal Setting Meeting of the Capitola City Council to order at 6:30 p.m. on Wednesday, January 19, 2005, in the City Hall Community Room, 420 Capitola Avenue, Capitola, California.

ROLL CALL & PLEDGE OF ALLEGIANCE

PRESENT: Council Members Michael Termini, Dennis Norton, Stephanie Harlan, Kirby Nicol, and Mayor Bruce Arthur; City Treasurer Bob Begun

ABSENT: None

STAFF: City Manager Rich Hill and City Clerk Pamela Greeninger

1. ORAL COMMUNICATIONS – None

2. GOAL SETTING SESSION [120-10]

Mayor Arthur welcomed members of the public to the City Council's special meeting. He then turned the meeting over to City Manager Hill who summarized the written agenda report dated January 18, 2005, reviewed the major goals established at last year's goal setting session held on January 31, 2004, and discussed the steps taken to achieve those goals. Following his presentation, City Manager Hill asked the Council to define measurable goals for 2005, and then staff will come back with work plans for identified goals.

Mayor Arthur advised he would like to open this item to the public first to hear what they have to say, and then each council member will have an opportunity to discuss their individual goals. He opened the meeting for public input at 6:58 p.m.

Mary Smith, Francesco Circle, informed the council that she recently moved to Capitola from Santa Cruz. She had her drinking water tested and said the results were not good, and she is concerned about the quality of water in Capitola. Ms. Smith was told to contact the Soquel Creek Water District to discuss her concerns.

City Treasurer Begun would like the council to address Measure P funds, and where the City will be when the transactions and use tax approved by the voters in November ends in 5 years. He would also like a review of the city's Financial Policy.

Kathleen Johnson, Capitola Village resident, would like the city council to address the residential character of Capitola Village. Council Member Termini suggested a discussion regarding the character of the City be the topic of a joint special meeting of the City Council and Planning Commission.

Barbara Graves, Oak Drive, advised it is important for the Council to review its goals and appreciated the opportunity to provide input. She commented on the top goals she would like to see the City consider:

1. Quality of Soquel Creek (Environmental Health DNA testing, Sewer dye test, etc.)
2. Financial stability (Measure P tax, increased workers compensation and employee salaries)
3. Potholes (Capital Improvement Projects, including condition of Oak Drive)
4. Green building protocol in Capitola

Council Member Norton commented on the meeting of the Santa Cruz County Regional Transportation Commission to be held January 20 and his desire to receive input from council members regarding the city's position with respect to Highway 1.

ACTION: Council Member Norton moved, seconded by Council Member Termini, to add an item to the agenda following the Goal Setting Session for discussion of the City's position regarding the Highway 1 Improvement Project, since Measure J did not pass, with the finding that the matter arose after the posting of the agenda and needs to be acted upon prior to the Council's next regular meeting scheduled for January 27, 2005. The motion carried on the following vote: AYES: Council Members Termini, Norton, Harlan, Nicol, and Mayor Arthur. NOES: None. ABSENT: None. ABSTAIN: None.

Each council member then discussed his/her goals for the following year.

Council Member Mike Termini

- Testing and cleaning Soquel Creek
- Fiscal stability (short-term with Measure P funds; long-term when special tax ends after 5 years)
- Interest in having quarterly meetings with the Planning Commission to discuss common vision for the City (topics to include visions for Capitola Village, 41st Avenue, and other areas, as well as character and integrity of neighborhoods)
- Shorter Council meetings
- Assistance to businesses
- Promotion of hotel sites
- Expanding the T.O.T. zone
- Establishing a timeline (financially realistic) for a long-term library

Council Member Dennis Norton

- Economic viability
- Capitola Village – interest in an economic development fund for the City
- Development of Grimes / Capitola Theater property for T.O.T.
- Improvement of parking in the Village for business and beach patrons (consider establishing a parking district)
- Speed of traffic – need to slow down cars driving in the city (enforcement)
- Sustainable building usage in Capitola; use of solar
- Railroad corridor through town
- Interest in becoming reacquainted with police officers

Council Member Stephanie Harlan

- Increase code enforcement in the Planning Department; report status of efforts to Council
- Encourage council members to attend League of California Cities conferences, and encourage Planning Commissioners to attend the League's Planning conference
- Review Capital Projects – Would like to review a list of projects to make sure certain projects are funded (i.e., the Tot Lot at Wharf and Clares Street, 46th Avenue street improvements, etc.)
- Prioritize General Plan update
- Determine use of Beulah House
- Receive Clean Water Grant updates either quarterly or bi-yearly
- Include sexual harassment and ADA training in the budget

- Review of staff in the Police Department by City Manager (officers in the field and in the office)
- Prioritize Gross Road Project
- Discuss projects for use of Measure P funds
- Don't go past midnight with Council meetings
- Discuss charge of Finance Advisory Committee (Concerns about members asking for information that will create extra work for finance department staff; believes the Mayor or a Council Member should serve as chair on the committee.)

Council Member Kirby Nicol - Agreed with comments made by other council members and discussed his priorities:

1. Financial situation

- Expenses: reallocate; cut back/reduce labor force; outsource labor; cut down on paperwork
- Tourism: increase volume of sales
- Assets: Beach and climate
- Preservation and enhancement of the quality of Capitola Beach and Soquel Creek
- Promotion of the city's qualities by marketing things that will bring people to Capitola through the Capitola Chamber of Commerce
- Encouragement of T.O.T. supporting services
- Consider holding special events during the off-season to bring people to Capitola
- Capital Improvement Project in Capitola Village for a world-class promenade on the Esplanade
- Two-story parking structure at Pacific Cove with housing on the property; require residents to be people who work in Capitola.

2. Streets Maintenance should be Imperative

3. Additional items of interest:

- Beulah House
- McGregor Drive Property – possible revenue source
- Identification of sites for library, city hall and police department

Mayor Bruce Arthur

Mayor Arthur then discussed his top goals as follows:

1. Revenue Growth

- Capitola has a great beach, climate and community. The city should market Capitola and make use of the Capitola Chamber of Commerce to do so.
- T.O.T. overlay for Bed & Breakfast facilities in residential zones
- Assistance to merchants

2. Environment

- Priorities include clean air, water and quality of life
- Wetlands project – contributions of labor and products to reduce cost of project

3. Other goals include:

- Parking in the Village
- Merry-Go-Round in the Village

After Council discussion and input from members of the community, the following items were identified as the key issues for the City Manager:

1. **Environment:** Design and construct a wetlands filtration system to improve the water quality of Soquel Creek.
2. **City's Fiscal Responsibilities:** Work with Capitola Chamber of Commerce on economic development, including participation on Economic Paper.
3. **Capital Improvement Projects:** Emphasis on streets. Include 46th Avenue in 2005/06 Budget.
4. **Automatic Traffic Enforcement:** Look into feasibility of using cameras in Capitola.
5. **Parking Problems:** Establish a schedule for the next steps to construct a parking structure at Pacific Cove Mobile Home Park.
6. **General Plan Update:** Establish a timeline for working on the General Plan Update.

The City Council then discussed the added item:

***ADDED ITEM* – Discussion of the City's Position regarding the Highway 1 Improvement Project since Measure J did not Pass.**

Council Member Norton advised he would be representing Capitola at the Santa Cruz County Regional Transportation Commission meeting to be held tomorrow, January 20, at 7 p.m. A public hearing will be held to receive input regarding the next steps since Measure J failed. He discussed the various alternatives being considered by the commission.

ACTION: It was the consensus of the City Council that they favored alternatives 1 and 2; i.e., do nothing – limited improvements, and auxiliary lanes. They were not in favor of metering lights or another tax measure.

Mayor Arthur thanked everyone for a very productive meeting.

3. ADJOURNMENT

At 9:30 p.m. the City Council adjourned to its next Regular Meeting to be held on Thursday, January 27, 2005 at 7:00 p.m. in the City Council Chambers, 420 Capitola Avenue, Capitola.

ATTEST:

Bruce Arthur, Mayor

_____, CMC
Pamela Greeninger, City Clerk

UNANIMOUSLY APPROVED BY THE CITY COUNCIL ON 2/24/05



Item #: 5.C.

CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 10, 2005

FROM: POLICE DEPARTMENT

DATE: FEBRUARY 22, 2005

SUBJECT: RED LIGHT CAMERA PHOTO ENFORCEMENT REPORT TO COUNCIL

Recommended Action: Accept report and provide direction to the Police Department.

BACKGROUND

During a special goal-setting meeting of Council with residents and community business interests, direction was given to the Police Department to examine the viability of Red Light and Speeding photo enforcement systems for use in the city.

DISCUSSION

Photo enforcement systems target traffic approaching and within busy intersections such as those along 41st Avenue. Rationale for employing photo enforcement red light technology ranges from traffic accident reduction, enhanced public safety and revenue generation. Red light photo enforcement systems are gaining momentum throughout the country. Regarding the topic of photo radar speed enforcement systems, there is currently provision within the California Vehicle Code authorizing use of these systems. Likewise, red light photo enforcement came under scrutiny of the California State Auditor in 2002, however, the State Legislature due to the audit implemented a number of changes and the systems currently offer a viable enforcement tool to law enforcement.

Traffic flow on 41st Avenue is at times the heaviest in Santa Cruz County with up to 45,000 average daily vehicle trips. Statistics from the city's Office of Traffic Safety Crash Reduction Grant indicate that during two consecutive twelve-month periods in 2003 and 2004 there were 132 and 119 collisions (respectively) along the 41st Avenue corridor within the City of Capitola. These collisions comprise 43.85% and 41.9% of all collisions taken by the Police Department during those periods. The California Bureau of State Audits examined red light photo systems in operation in 2002 and estimated that there were traffic accident reductions of between 3% and 21% per year at the locations, which had red light systems. In 2003 there were five collisions along 41st Avenue at intersections and in 2004 there were three collisions involving red light violations listing red light violations as the primary collision factor.

There are several vendors serving this area of California, each with a specific type of photo enforcement system, which utilize cameras, computer software and hardware systems. Vendors in our area include Redflex, Affiliated Computer Services, American Traffic Solutions / Mullvihill, Nestor, etc. Redflex claims to have over 200 sites in operation within California. Nestor recently was awarded the contract for the City of Los Angeles through the RFP process. American Traffic Solutions / Mullvihill recently

advertised seeking a demonstration city for their system and are willing to meet with Capitola to see if it could work here. This system has been on a test basis in New York City since 1994. This company is claiming a reduction of violations by 50 per cent at those intersections in New York City.

The red light photo enforcement systems are positioned to observed one or more approaches to an intersection. The yellow light timing is adjusted in the signal control box to meet standards for use with the system. The roadway sensors (inductive loops) or infrared sensors alert the system to a vehicle approaching too quickly to stop behind the limit line before the signal turns red. One or more photos are taken or video is taken of the violator along with corroborating information of the violation. The image(s) are transmitted to the vendor who attempts to identify the license plate of the vehicle and determine if the vehicle operator's face is identifiable. Those violations meeting a standard agreeable to the Court are retransmitted to the Police Department. Staff issues citations that are sent to the registered owner of the vehicle and to the Clerk of the Court. At that point, the citation is handled in much the same manner as a regular moving violation citation.

No other city in Santa Cruz County has a photo enforcement program, and none are actively working to create such a program. The Traffic Commissioner for the Superior Court of Santa Cruz County was completely receptive to such a program inasmuch as it could enhance traffic safety in Santa Cruz County.

There is strong opposition to photo enforcement in many communities in California. Several grass roots organizations aggressively target communities that have instituted any sort of this type of enforcement. These sites and forums lay out strategies for combating the enforcement including but not limited to obscuring the license plates by various means or not displaying a license plate, both of which are illegal under existing legislation. Contrasting the opposition is the support. In the ATS test above, the membership of the New York AAA supported the use of red light photo enforcement by 67 per cent. In California, drivers who favor cameras were at 79% in Oxnard and 77% in San Francisco.

The red light photo enforcement systems now in place in this state appeared to each have their own proprietary arrangement that will necessitate additional investigation by staff. In contacts with other California cities operating red light photo enforcement, it appears that these significant differences between vendors create a "sole source vendor" contract between the city and the vendor. After selection of a vendor, a study is conducted by city staff and the vendor to determine which sites are best suited for a photo red light enforcement system, the determination is based on frequency of accidents, noted violations and traffic flow. Positioning of the red light photo enforcement equipment appears to be formulaic based on traffic flow, actual violations, accidents and sight distance. Certainly, not every intersection with a traffic signal would qualify for a red light photo enforcement system.

To date, our analysis of red light photo enforcement systems suggests that police departments oversee and run most red light photo enforcement programs with municipalities in California. However, San Francisco administers the program through the city's Health Department, which ties into the city's overall concept of public health and a system, which saves lives.

The application of any of the referenced red light photo enforcement systems will require additional staff to administer the program. Agencies are currently utilizing civilian staff, Community Service Officers, and Police Officers of various levels to administer their red light photo enforcement systems. Red light photo enforcement citations are often contested in traffic court in front of the Commissioner. An appearance by the staff member issuing the citation is required if the citation is to be upheld and penalties assessed.

A factor to be considered in the deployment of any red light photo enforcement system is that once the systems are detected and citations issued, violations by the same drivers tend to drop off significantly. With the implementation of a red light photo enforcement system a significant number of local residents and motorists regularly driving through the area will receive citations for violations for red light violations, thus creating a spike in recorded violations and citations. These violations then have a tendency to significantly drop off after several months of enforcement activity and the issuance of traffic citations. Potential revenue estimates must take into consideration the affects of enforcement cycles and what percentage of traffic volume is new drivers (visitors) versus motorists who regularly drive through the area. These cycles of citations activity must be considered when attempting to project both short and long term costs and revenues generated by the systems.

A developing trend within the red light photo enforcement vendor community is to create a contract with the contracting jurisdiction that is cost neutral to the jurisdiction. The jurisdictions in essence rent the system from the vendor, typically at a price of \$6,000 per unit per month. If recovered court fines for violations for the month are insufficient to pay for the rental costs of the system, there is no charge to the jurisdiction for the month or period where recovered fines fail to meet the monthly rental fee.

Other issues that have an impact on the acquisition and use of any red light photo enforcement system includes the actual revenues generated. Additionally, if systems are installed, agreements will be required between the City, the traffic signal maintenance contractor and perhaps with CalTrans if the lights at State Route 1 and 41st Avenue are fitted with red light photo enforcement systems. Implementation of a red light photo enforcement program within the city will result in some additional staff costs, depending on the vendor selected, the number of systems deployed and the violation activity.

The Police Department has scheduled a demonstration of the photo red light enforcement system marketed by American Traffic Solutions (ATS) for Tuesday, March 15, 2005 at 2:00 PM at City Hall, Community Room. Mr. Bill Kroske from ATS will be providing a demonstration of their system to city staff and City Council members in attendance. ATS has preliminarily offered their red light enforcement system to California law enforcement agencies based on a cost neutral formula.

FISCAL IMPACT

Costs for the various photo red light enforcement systems vary depending on the equipment manufacturer, vendor and numbers of units required. At a minimum, there will be staff costs associated with any of the systems currently available. However, some costs are negotiable, depending on the vendor, and can be determined if and when the City Council determines it wishes to pursue acquisition of red light photo enforcement systems.

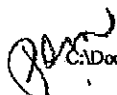
ATTACHMENTS

None

Report Prepared by: **Richard J. Ehle, Jr.**
Chief of Police



Reviewed and Forwarded
By City Manager:





5. OTHER BUSINESS (Continued)

There was considerable Council discussion regarding the proposed resolution and council member interest in allocating \$30,000 to fund CIP projects, particularly to the 46th Avenue Street Improvement Project and the Pavement Management Program.

After Council deliberation the following action was taken:

ACTION: Council Member Norton moved, seconded by Council Member Nicol, to Adopt **Resolution No. 3441, Resolution Accepting the 2004-05 Mid-Year General Fund Budget Report and Amending the 2004-2005 City General Funds Budget Accordingly** (to increase the prior year fund balance by \$682,198, increase the General Fund Revenue budget by \$28,750, increase the General Fund expenditures by \$577,000, increase the Capital Improvement Program (CIP) fund source by \$351,900 and increase the CIP fund expenditures by \$339,160, with the additional change to decrease the Emergency Reserve Fund by \$30,000 and increase the CIP fund by \$30,000, \$20,000 to be used on design of the 46th Avenue Project, and \$10,000 to be used for the Pavement Management Program. The motion carried on the following vote: **AYES:** Council Members Termini, Norton, Harlan, Nicol, and Mayor Arthur. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

The City Council then dealt with Item 5.C.

C. Red Light Camera Photo Enforcement Report. [490-20]

Police Chief Ehle summarized the written agenda report and responded to questions of council members.

ACTION: It was the consensus of the City Council directing staff to pursue acquisition, on a cost neutral basis, of red light photo enforcement systems for Capitola.

E. Support for Assembly Bill 396 (regarding mobilehome parks) requested by Council Member Harlan. [580-40/750-25]

Council Member Harlan summarized the written agenda report and urged the city council to support Assembly Bill 396, and to direct the Mayor to send letters of support to Assemblywoman Sally Lieber, Assemblyman John Laird, Senator Joe Simitian, and members of the Assembly Committee on Housing and Community Development.

Council Member Nicol said he was uncomfortable supporting this bill, and he expressed concerns about the wording contained in the last paragraph of the agenda report. He also commented on the second paragraph under "Discussion" which stated, "There is no fiscal impact to the State or to Capitola." Council Member Nicol said Capitola is in the mobilehome park business, and he is concerned this would be a conflict of interest.

Council discussion was followed by this action:

ACTION: Council Member Norton moved, seconded by Council Member Harlan, to support Assembly Bill 396 to Amend Section 65863.7 of the Government Code relating to land use of mobilehome parks, and directed the mayor to send letters of support to Assemblywoman Sally Lieber, Assemblyman John Laird, Senator Joe Simitian, and members of the Assembly Committee on Housing and Community Development. The motion carried on the following vote: **AYES:** Council Members Termini, Norton, Harlan and Mayor Arthur. **NOES:** Council Member Nicol. **ABSENT:** None. **ABSTAIN:** None.



Item #: 5, B,

CITY COUNCIL AGENDA REPORT

MEETING OF MAY 12, 2005

FROM: POLICE DEPARTMENT
DATE: APRIL 28, 2005
SUBJECT: RED LIGHT CAMERA PHOTO ENFORCEMENT BETA TEST CONTRACT AND
INSTALLATION

Recommended Action: Accept report and provide direction to the Police Department.

BACKGROUND

During a special goal-setting meeting of Council with residents and community business interests, direction was given to the Police Department to examine the viability of Red Light and Photo-Radar enforcement systems for use in the city. The Police Department reported to Council on March 10, 2005 with regard to our analysis and feasibility of both systems. It was the consensus of the City Council to direct staff to pursue acquisition, on a cost neutral basis, of red light photo enforcement systems for Capitola. Members of the City Council, the Police Department, and Public Works Department attended a vendor presentation on Tuesday, March 15, 2005 at 2:00 PM at the Police Department Annex, 411 Capitola Avenue.

DISCUSSION

The first step in the process of red light photo enforcement is the determination of whether there exist sufficient violations at any given location to warrant acquisition and operation of a system. The Police Department entered into an agreement to have this analysis performed at no charge by American Traffic Solutions (ATS), the same vendor who had previously demonstrated their system in Capitola. During the week of April 11 – 18, 2005, representatives from ATS placed traffic monitoring survey equipment along 41st Avenue to detect violations and record the violations to videotape. Photo enforcement systems target traffic approaching and within busy intersections such as those along 41st Avenue. Video records at four locations along 41st Avenue were conducted for approximately 24 hours per location. The videotapes were then analyzed by the ATS technicians and a report of violations was prepared and is attached to this document.

The cost of installation and operation is approximately \$5,100 a month, per camera installation. Based on the county's current Consolidated Bail Schedule, for the system to remain cost neutral, five to six red light violations would need to be written per/day to cover the system cost for each approach. The "Violation Intersection Monitoring System Report" (Attachment A) indicates there were more than adequate violations to cover operational costs, especially for the southbound lanes of 41st Avenue immediately north of Clares Street. However, street construction currently underway on 41st Avenue at Clares is anticipated to greatly reduce right hand turn violations, which represent the majority of violations at that location. Therefore, the Police Department recommends contracting for installation of

either one or two red light camera enforcement systems on 41st Avenue at the entrance to the Capitola Mall. Monitoring of the southbound lane recorded 38 total violations in a 24-hour period, while monitoring of the northbound lane resulted in 43 total violations in the same time period.

The Police Department suggests the City contract with ATS to install either one or two Red Light Photo Enforcement systems at the intersection of 41st Avenue and Capitola Mall. The City has the option of installing either a single camera installation or completely monitoring both the north and southbound lanes by installing a two-camera system with Axis live video. The Department further recommends the city contract with ATS for a one-year Beta Test period, pursuant to the draft proposal listed as **Attachment B**. This contract is designed to be cost neutral with monthly citation revenues paying for the system costs, and in those situations where citation revenues do not meet system costs ATS agrees to waive the remaining system charges. The rental charge for the ATS red light photo enforcement system for one approach is \$5,100 a month and \$10,200 for two approaches. The ATS Axis live video feed necessary for court testimony and evidentiary purposes is an additional \$295 a month. ATS warrants the system to be cost neutral in their literature and proposed contract, which is included. The proposed contract is designed to have minimal impact on the City's budget with ATS shouldering the majority of installation and operational costs, not recovered by citation revenues. The City of Capitola will need to insure power is available at each site and provide access to traffic signal boxes and phase connections, pole bases, or the traffic light controller cabinet nearest to each Stationary Camera.

Other factors that will have to be monitored and evaluated in order to determine actual city costs during the one year beta test period, these factors include: staff time for monitoring and administering the system, staff training costs, citation processing costs, costs associated with court testimony, collection rate for violations, reconciling collections with charges by ATS on a monthly and quarterly basis, extraneous mailing costs, staff time associated with violators reviewing violation video at the Police Department, court liaison costs, etc.

What is not known is the impact red light photo enforcement will have on traffic patterns and volume of violations. After the initial implementation period when area residents either become cognizant of the cameras, or are cited, we anticipate some reductions in violation activity. In many other cities, the violation decrease is dramatic after the initial introduction of the systems, but there continue to be sufficient violations to pay for the system and associated staff costs. Transient populations in Capitola during the spring and summer seasons, or the winter holiday shopping season most likely result in higher violation rates than in bedroom communities.

Implementation of a red light photo enforcement system will require additional staff time and resources to administer the program. Other agencies are utilizing civilian staff, Community Service Officers, and Police Officers to administer their red light photo enforcement systems. Red light photo enforcement citations are often contested in traffic court. An appearance by the staff member issuing the citation is required if the citation is to be upheld and penalties assessed, however, there appears to be a high conviction rate, when staff are available to testify. **Attachments C & D** depict the violation and citation process flow and are attached to this report as reference.

The Police Department has had several discussions with the Santa Cruz County Traffic Commissioner, Kim Baskett, who has pledged her full support for the proposed program. She was completely receptive when contacted regarding red light photo enforcement, inasmuch as it could enhance traffic safety in Santa Cruz County. Commissioner Baskett is scheduled to attend a traffic seminar for judges related to red light photo enforcement systems in May and should be quite familiar with any issues arising out of this program.

To date, Capitola is the only city in Santa Cruz County to begin the implementation of a red light photo enforcement program. Although each red light camera vendor advertises their system to be a turnkey operation, there is a certain amount of hyperbole and individual adjustment that each agency must make to implement a successful photo red light enforcement system in their jurisdiction. The Police Department has reviewed Red Light Photo Enforcement systems and proposals from various vendors to include: ATS, Redflex, Transol and Nestor. Of those companies, ATS appears to offer the most compact, technologically advanced system available on the market, along with a cost neutral agreement.

Should Council approve the proposed one-year "Beta-Test" contract with ATS, the Police Department and the Public Works Department will work with ATS to install and activate the system as soon as practicable. The 41st Avenue corridor would be posted with signs indicating that red light photo enforcement system(s) have been installed in the area. A timely series of press releases and other public outreach efforts would be made to alert the public to the presence of the new enforcement systems. Before any actual enforcement of red light violations occurred, staff recommends a 30-day warning period be announced and implemented. During the 30-day warning period, violators would receive a warning, along with photographic evidence of the violation. They would also be informed that future violations would result in the issuance of a traffic citation. Prior to the conclusion of the one year Beta Test agreement, the Police Department recommends that the City Council consider its options relative to concluding its agreement with ATS, extending the agreement or directing the Police Department to solicit RFP's from other companies offering Red Light Photo Enforcement systems for consideration by the City Council.

The City Attorney has reviewed and approved the proposed contract as to form and will review the agreement again prior to the city entering into the proposed one year contract.

FISCAL IMPACT

This system and contract proposed by ATS is essentially cost neutral, with equipment purchase, software, installation, and maintenance provided by the vendor. Ancillary costs such as staff time to process citations, testify in court and administer the system are anticipated to be minimal, as long as we limit the number of camera installations we install. There is a reasonable likelihood that the systems will provide sufficient revenues to pay for staff time and associated costs of administering and monitoring the program.

ATTACHMENTS

- A. Violation Intersection Monitoring System Report
- B. Draft Professional Services Agreement
- C. Violation Process Flow Chart
- D. Violation – Beginning to End Diagram

Report Prepared by: **Richard J. Ehle, Jr.**
Chief of Police



Reviewed and Forwarded
By City Manager: 



City of Capitola, California

Violation Intersection Monitoring System Report

April 28, 2005

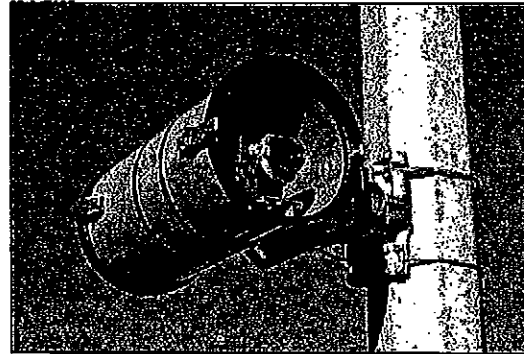


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🌐 <http://www.redlightcamera.com>

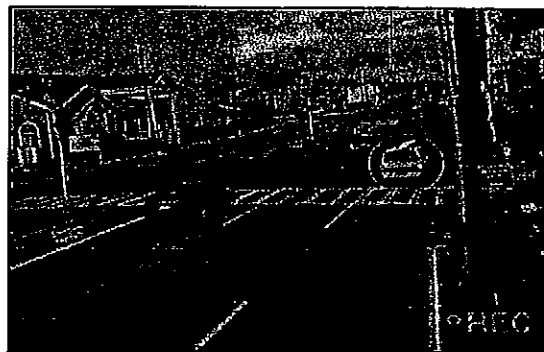
What is Axis™ VIMS?

The Axis™ Violation Incident Monitoring System (VIMS) captures video of traffic passing through the intersection during the first five seconds of the red phase of the signal cycle. The Axis™ VIMS is a simple but specialized tool to identify the most dangerous intersections. This "short-phase red signal capture" dramatically reduces total record-time and eliminates excess time between signal cycles allowing for fast and efficient review of violator potential at any intersection.



The system has two components, a red phase detection/transmitter and a receiver/camera control unit. The two components communicate via radio frequency eliminating the need for physical connections between the two components.

The VIMS system enables quick and accurate evaluation of intersections before investing in a red light camera installation. The system also enables traffic engineers to evaluate traffic movement and analyze potential signal timing or engineering issues.



Summary of Findings

Per our agreement with the City, American Traffic Solutions provided the Violation Incident Monitoring System to the City of Capitola to identify the nature and quantity of red light violations at several key intersections. The study, conducted between April 11 and April 19, 2005 at four sites at Route 41 and Capitola Road, Capitola Mall, and Clares St. Each site was monitored for 24 hours.

<i>Approach Monitored</i>	<i>Total Violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
Southbound 41 st Ave @ Capitola Rd	29	2	3	24
Southbound 41 st Ave @ Capitola Mall	38	0	12	26
Northbound 41 st Ave @ Capitola Mall	43	2	41	0
Southbound 41 st Ave @ Clares St	105	0	26	79
Total Violations Counted	275	4	79	192

VIMS Study Report for Capitola, CA

Data Summary Section

Location:	S/B 41 st Ave @ Capitola Rd
Operational Date Range:	4/11/05 12:17 PM to 4/12/05 1:09 PM
Runtime Total:	25 hours
Installed By:	Anthony Gargano with James King from Republic Electric
Reviewed By:	Anthony Gargano
Total number of violations:	29

Data Analysis Section – Number of Violations by Lane and Time of Day

<i>Time of Day</i>	<i>Total violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
6AM – 10AM Morning rush	5	0	0	5
10AM – 3PM Afternoon	12	0	0	9
3PM – 8PM PM rush	6	0	0	6
8PM – 11PM Night	0	0	0	0
11PM – 6AM Overnight	0	0	0	0
Total Violations	29	0	0	24

Data Analysis Section – Percentage of Violations by Lane and Time of Day

<i>Time of Day</i>	<i>Total Violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
6AM – 10AM Morning rush	17%	0%	0%	100%
10AM – 3PM Afternoon	41%	0%	0%	64%
3PM – 8PM PM rush	21%	0%	0%	100%
8PM – 11PM Night	0%	0%	0%	0%
11PM – 6AM Overnight	0%	0%	0%	0%
Total Violations	100%	0%	0%	88%

VIMS Study Report for Capitola, CA

Data Summary Section

Location:	S/B 41 st Ave @ Capitola Mall
Operational Date Range:	4/12/05 2:49 PM to 4/13/05 2:45 PM
Runtime Total:	24 hours
Installed By:	Anthony Gargano with James King from Republic Electric
Reviewed By:	Anthony Gargano
Total number of violations:	38

Data Analysis Section – Number of Violations by Lane and Time of Day

<i>Time of Day</i>	<i>Total violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
6AM – 10AM Morning rush	2	0	1	1
10AM – 3PM Afternoon	22	0	7	15
3PM – 8PM PM rush	14	0	4	10
8PM – 11PM Night	0	0	0	0
11PM – 6AM Overnight	0	0	0	0
Total Violations	38	0	12	26

Data Analysis Section – Percentage of Violations by Lane and Time of Day

<i>Time of Day</i>	<i>Total Violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
6AM – 10AM Morning rush	5%	0%	50%	50%
10AM – 3PM Afternoon	58%	0%	32%	68%
3PM – 8PM PM rush	37%	0%	29%	71%
8PM – 11PM Night	0%	0%	0%	0%
11PM – 6AM Overnight	0%	0%	0%	0%
Total Violations	100%	0%	79%	63%

Data Summary Section

VIMS Study Report for Capitola, CA

Location:	N/B 41 st Ave @ Capitola Mall
Operational Date Range:	4/14/05 8:34 AM to 4/14/05 11:34 PM (tape ended)
Runtime Total:	15 Hours
Installed By:	James King from Republic Electric
Reviewed By:	Anthony Gargano
Total number of violations:	43

Data Analysis Section – Number of Violations by Lane and Time of Day

<i>Time of Day</i>	<i>Total Violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
6AM – 10AM Morning rush	3	0	3	0
10AM – 3PM Afternoon	0	0	0	0
3PM – 8PM PM rush	12	0	12	0
8PM – 11PM Night	0	0	0	0
11PM – 6AM Overnight	0	0	0	0
Total Violations	43	0	43	0

Data Analysis Section – Percentage of Violations by Lane and Time of Day

<i>Time of Day</i>	<i>Total Violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
6AM – 10AM Morning rush	7%	0%	100%	0%
10AM – 3PM Afternoon	0%	0%	0%	0%
3PM – 8PM PM rush	28%	0%	100%	0%
8PM – 11PM Night	0%	0%	0%	0%
11PM – 6AM Overnight	0%	0%	0%	0%
Total Violations	100%	0%	100%	0%

VIMS Study Report for Capitola, CA

Data Summary Section

Location:	S/B 41 st Ave @ Clares St
Operational Date Range:	4/18/05 9:53 AM to 4/19/05 8:30 AM
Runtime Total:	23.5 hours
Installed By:	James King from Republic Electric
Reviewed By:	Anthony Gargano
Total number of violations:	165

Data Analysis Section – Number of Violations by Lane and Time of Day

<i>Time of Day</i>	<i>Total Violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
6AM – 10AM Morning rush	18	0	3	15
10AM – 3PM Afternoon	67	0	3	64
3PM – 8PM PM rush	67	0	3	64
8PM – 11PM Night	0	0	0	0
11PM – 6AM Overnight	3	0	0	3
Total Violations	165	0	26	139

Data Analysis Section – Percentage of Violations by Lane and Time of Day

<i>Time of Day</i>	<i>Total Violations</i>	<i>Left Turn</i>	<i>Straight</i>	<i>Right Turn</i>
6AM – 10AM Morning rush	11%	0%	17%	83%
10AM – 3PM Afternoon	41%	0%	21%	79%
3PM – 8PM PM rush	40%	0%	4%	96%
8PM – 11PM Night	0%	0%	0%	00%
11PM – 6AM Overnight	3%	0%	0%	100%
Total Violations	100%	0	14%	86%

MECD 10.24.05

**PROFESSIONAL SERVICES AGREEMENT
"AGREEMENT"**

[Note: This will be a public document and confidentiality cannot be maintained]

THIS AGREEMENT made this 17th day of May, 2005 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 City, herein "City", a municipal corporation of the State of California with principal offices at Capitola, California.

WITNESSETH:

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

WHEREAS, City desires to explore the use of the Axis™ 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 Axis™.

"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 frontal and rear camera(s), where needed, and a traffic monitoring device capable of accurately detecting a traffic infraction and which records such data on at least two images of such vehicle and a single image of the driver of the vehicle. Dual Stationary Camera System shall, where the sense requires, also include any enclosure or cabinet in which the Axis™ 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.

2. ATS AGREES TO PROVIDE:

The scope of work identified in Exhibit A.

3. City AGREES TO PROVIDE:

The scope of work identified in Exhibit B.

4. TERM, BETA-TEST AND TERMINATION:

- a. The term of this Agreement shall be for three (3) years beginning on the date of first issued and payable notice of a violation (the “Start Date”) and shall automatically be extended for an additional two (2) year period on the anniversary of the “Start Date”, which is the date that the site begins writing official traffic citations, unless the City shall notify ATS in writing, at least sixty (60) days prior to the anniversary of the Start Date, of its intention to terminate this Agreement.

The Contractor’s services may be terminated:

By mutual consent of the parties; or

For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefor, and the other party fails to cure the default within forty-five (45) days after receiving notice.

- b. First year beta-test terms: On the first anniversary of the Start Date (the "Anniversary Date"), either party shall have the option to terminate this Agreement. The option to terminate shall expire except as otherwise provided herein.
- c. Upon termination of this Agreement, either for breach or because it has reached the end of its term, the parties recognize that the City will have to process traffic law violations in the "pipeline," and that ATS accordingly must assist the City in this regard. Accordingly, the parties shall take the following actions, and shall have the following obligations, which survive termination during the wind-down period: The City shall cease using Axis™, shall assist ATS to reacquire all equipment within a reasonable time not to exceed 30 days, and shall not generate further images to be processed. Unless directed by the City not to do so, ATS shall continue to process all images taken by the City before termination and provide all services associated with processing in accordance with this Agreement, and shall be entitled to all Fees specified in the Agreement as if the Agreement were still in effect.

5. FEES AND PAYMENT:

City shall pay for all equipment, services and maintenance based on the pricing indicated in Exhibit C, ("Fees").

On or before the 10th day of each month, the City shall pay all fees due ATS based upon invoices received from ATS from the proceeding month. Late payments are subject to interest calculated at 1.5% per month on open balances.

- a. During the beta-test year, ATS will warrant that the City will have no financial loss with respect to fees paid to ATS. The fixed service fee will be adjusted monthly if project revenues (collected) do not cover the ATS fixed service fee. However, if ATS has reduced its fees in any month(s) during the first year; in as much as the Court will at times pay cities a lump sum

covering two or more months of paid revenue, ATS shall be entitled to receive the sum of the actual earnings as a *true up* at the end of the first year if the program revenue collected for the first year meets or exceeds the non-discounted total ATS contracted fees for the year.

6. MATERIALMAN LIENS:

In the event ATS fails or neglects to pay for any product installation, maintenance or other obligations incurred under this Agreement and a demand or request is made on the City for payment, the City shall have the right to make such payments and deduct the sum from any amount that may be due to ATS, following written notification to ATS, with a reasonable opportunity for ATS to correct or defend the alleged failure to pay. The City's decision to take such action in one situation shall not create an obligation on the part of the City to take similar action in another situation, nor shall it constitute a waiver of the City's right to prosecute any other legal remedy it may have against ATS.

7. COMMUNICATION OF INFORMATION:

ATS agrees that all information obtained by ATS through operation of the Axis™ shall be made available to the City at any time during ATS's normal working hours, excluding trade secrets and other confidential or proprietary information not reasonably necessary for the prosecution of citations or the fulfillment of City's obligation under this Agreement.

8. CONFIDENTIAL INFORMATION:

No information given by ATS to City will be of a confidential nature, unless specifically designated in writing as proprietary and confidential by ATS. Provided, however, nothing in this paragraph shall be construed contrary to the terms and provisions of any "Public Records Act" or similar laws, insofar as they may be applicable. ATS shall not use any information acquired by this program with respect to any violations or the City's law enforcement activities for any purpose other than the program.

9. OWNERSHIP OF SYSTEM

It is understood by the City that the System being installed by ATS is, and shall remain, the sole property of ATS, unless separately procured from ATS. The System is being provided to City only under the terms and for the term of this Agreement.

10. INDEMNIFICATION AND INSURANCE:

ATS shall at all times comply with all federal, state and local laws, ordinances and regulations and shall comply with the maintenance procedures and manufacturer recommendations for operation of the Axis™ equipment which affect this Agreement, and shall indemnify and save harmless the City against any claims arising from the violation of any such laws, ordinances and regulations or any claims arising from the violations of the maintenance procedures and manufacturer recommendations for operation of the equipment as a result of the negligence of willful misconduct of ATS, its officers and directors, agents, attorneys, and employees, but excluding any employees or agents of City.

ATS shall maintain the following minimum scope and limits of insurance:

- 1) Commercial General Liability Insurance including coverage for bodily injury, property damage, premises and operations, products/completed operations, personal and advertising injury, and contractual liability with a combined single limit of \$1,000,000 per occurrence. Such insurance shall include the City, its officers, directors, employees, and elected officials as additional insured's for liability arising from ATS's operation.
- 2) Workers Compensation as required by applicable state law, and Employers' Liability insurance with limits of not less than \$1,000,000 each accident; ATS shall at all times maintain worker's compensation insurance coverage in the amounts required by law, but shall not be required to provide such coverage for any actual or statutory employee of City.

3) Comprehensive Business Automobile Liability Insurance for all owned, non-owned and hired automobiles and other vehicles used by ATS with a minimum \$1,000,000 per occurrence combined single limit bodily injury and property damage.

The City and its officers and employees, shall be named as additional insured on the comprehensive general liability policies provided by ATS under this Agreement. ATS shall require any subcontractors doing work under this Agreement to provide and maintain the same insurance, which insurance shall also name the City and its officers, employees, and authorized volunteers.

Certificates showing ATS is carrying the above described insurance, and evidencing the additional insured status specified above, shall be furnished to the City within thirty calendar days after the date on which this Agreement is made. Such certificates shall show that the City shall be notified of all cancellations of such insurance policies. ATS shall forthwith obtain substitute insurance in the event of a cancellation.

Inasmuch as the City is a body politic and corporate, the laws from which City derives its powers, insofar as the same law regulates the objects for which, or manner in which, or the concerns under which, the City may enter into this Agreement, shall be controlling and shall be incorporated by reference into this Agreement. The City shall be responsible for vehicle insurance coverage on any vehicles driven by City employees. Coverage will include liability and collision damage.

11. CORRESPONDENCE BETWEEN PARTIES:

All notices required to be given under this Agreement shall be deemed given when mailed by first class mail, addressed to the proper party to the address set forth on the first page of this Agreement.

12. STATE LAW TO APPLY:

This Agreement shall be construed under and in accordance with the laws of the State of California.

13. DISPUTE RESOLUTION

All disputes arising out of or in connection with the Agreement shall be attempted to be settled through good-faith negotiation between senior management of both parties, followed if necessary within thirty (30) days by professionally assisted mediation. Any mediator so designated must be acceptable to each party. The mediation will be conducted as specified by the mediator and agreed upon by the parties. The parties agree to discuss their differences in good faith and to attempt, with the assistance of the mediator, to reach an amicable resolution of the dispute. The mediation will be treated as a settlement discussion and therefore will be confidential. The mediator may not testify for either party in any later proceeding relating to the dispute. No recording or transcript shall be made of the mediation proceedings. Each party will bear its own costs in the mediation. The parties will share the fees and expenses of the mediator equally.

a. Failing resolution through negotiation or mediation, any remaining dispute shall be submitted to binding arbitration in accordance with the Arbitration Rules for Professional Accounting and Related Services Disputes of the American Arbitration Association ("AAA Rules") before a single arbitrator. The place of arbitration will be Phoenix Arizona. Limited discovery will be permitted in connection with the arbitration upon agreement of the parties or upon a showing of substantial need by the party-seeking discovery. The arbitrator's decision shall follow the plain and natural meaning of the relevant documents, and shall be final and binding. The arbitrator will have no power to award (i) damages inconsistent with the Agreement or (ii) punitive damages or any other damages not measured by the prevailing party's actual damages, and the parties expressly waive their right to obtain such damages in arbitration or in any other forum. All

aspects of the arbitration will be confidential. Neither the parties nor the arbitrator may disclose the existence, content or results of the arbitration, except as necessary to comply with legal or regulatory requirements. Each party will promptly pay its share of all arbitration fees and costs, provided that such fees and costs shall be recoverable by the prevailing party as determined by the arbitrator. If a party fails to pay such share promptly upon demand, the arbitrator shall, upon written request by the other party, enter a final and binding decision against the nonpaying party for the full amount of such share, together with an award of attorney's fees and costs incurred by the other party in obtaining such decision, which decision may be entered in any court of competent jurisdiction. Except for the failure of a party to pay arbitration fees and costs that requires resort to the arbitrator to order such payment, the parties will bear their own attorneys' fees in any matter or dispute under this Agreement.

14. ADDITIONAL SERVICES

Additional systems and services may be added to this agreement by mutual consent of the parties in writing as an addendum to this agreement. All other terms and conditions shall remain the same.

15. LEGAL CONSTRUCTION:

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.

16. PRIOR AGREEMENT SUSPENDED:

This Agreement constitutes the sole and only agreement of the parties and supersedes any prior understanding, written or oral, between the parties respecting the written subject matter.

17. AMENDMENT:

No amendments, modifications, or alterations of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date of this Agreement and duly executed by the parties.

18. NO AGENCY:

ATS is an independent contractor providing services to the City and the employees, agents and servants of ATS shall in no event be considered to be the employees, agents, or servants of the City. This contract is not intended to create an agency relationship between ATS and the City.

19. TAXES

In the event that any excise, sales or other taxes are due relating to this service contract, the City will be responsible for the payment of such taxes.

20. NOTICES

Any notices or demand which under the terms of this Agreement or under any statute must or may be given or made by ATS or City shall be in writing and shall be given or made by personal service, telegram, first class mail, FedEx, or by certified or registered mail to the parties at the following address:

City Name	American Traffic Solutions, Inc.
Address	14861 N. Scottsdale Rd, Suite 109
City, State Zip	Scottsdale, AZ 85254

21. DRUG-FREE WORKPLACE

ATS hereby certifies that:

A drug-free workplace will be provided for ATS employees during the performance of this Agreement; and

This Agreement may be suspended, terminated, or debarred if it is determined that ATS has made false certification herein above; or ATS has

violated such certification by failure to carry out any requirements as outlined within this Article.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date accepted by the City.

AMERICAN TRAFFIC SOLUTIONS, INC.

James D. Tuton, President

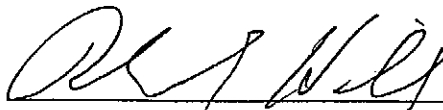
STATE OF _____)
)SS.
COUNTY OF _____)

On this _____ day of _____, 2005, personally appeared before me James D. Tuton, who being by me duly sworn did say that he is President for AMERICAN TRAFFIC SOLUTIONS, INC., an Arizona corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

My Commission Expires:

City of Capitola



Richard Hill City Manager

ATTEST:


Recorder

Pamela Greeninger, City Clerk

Exhibit A
ATS SCOPE OF WORK

- a) Axisis™ RLC-300 Red Light Stationary Camera Systems in the quantities indicated on Exhibit D;
 - i) ATS shall install the Dual Stationary Camera System at all the locations described in the document attached hereto as Exhibit D. In addition to the locations described in Exhibit D, the parties may agree from time to time to add, subtract or modify locations where the System shall be installed and maintained. A Dual Stationary Camera System installed at a location shall be in operation for a minimum of one year at that location, unless the parties agree otherwise in writing.
 - ii) Each Dual Stationary Camera System shall operate on a 24-hour basis, barring downtime for maintenance.
- b) An automated web-based citation processing program (Axisis™ VPS) including image processing, mailing of a citation with color images, printing and mailing costs. The program shall be conducted in a timely manner to comply with any applicable statute of limitation for filing citations. Each citation shall be delivered by First Class mail to the registered owner within the statutory period. Subsequent notices may be delivered by First Class or Certified Mail (return receipt requested) or by process servers for additional compensation to ATS as agreed by the parties.
- c) ATS will transmit an electronic file to the City with periodic updates of all citation notices issued, and will update the status of all accounts based on disposition information provided by the City, indicating payments received or cases otherwise closed, dismissed or resolved.
- d) In-state vehicle registration information necessary to issue citations resulting from the Axisis™ assuming ATS is named as an agent and the State provides registration data at no cost to the City for ATS.
- e) To the City prosecutor/hearing officer, one Evidence Package, typically including a set of images with related documentation for each citation issued;
- f) Necessary training for persons person designated by the City;
- g) Expert witness as reasonably necessary to establish judicial notice, i.e. the accuracy, technical operations, and effectiveness of the Axisis™ for contested citations. After

establishment of judicial notice, the City may request the presence of an expert witness. Expert witness fees will be billed to the City on a time and expense basis;

h) ATS shall submit to City a monthly report of Axisis™ results within fifteen business days of the end of each calendar month. The report shall include the following information:

- i. Total number of violation events.
- ii. Total number of actionable violation events.
- iii. Total number of citations sent.
- iv. Total citations paid.
- iv. Performance Statistics by Location.

i) Such reports of ongoing operations as are required pursuant to Subparagraph i, above, or such other reports and documents as are mutually agreed upon between ATS and the City.

j). Routine maintenance and cleaning of Dual Stationary Camera Systems.

k) ATS agrees to commence the installation of the Systems within 14 days after all aforementioned permits have been approved (the date all permits are approved shall hereinafter be referred to as the "Approval Date"). The Approval Date shall be marked by the issuance of a signed writing from ATS to City, stating that all permits have been approved.

l) ATS agrees to have all installation work completed and have the Systems fully operational no later than 120 days from the Approval Date.

m) Where and when possible, ATS agrees to use existing street furniture, poles, available conduit and existing power for the purposes of installing and operating the Systems.

n) The time schedule may be extended by reason of delay, changes, additions, deletions, or other reasons if approved by the City in writing, or without written approval by the City if the delay is caused by an event of Force Majeure.

Exhibit B
City Scope of Work

- a. The City agrees to make standard court appearances regarding general violation court challenges.
- b. The City will carefully review each potential violation to determine in its sole authority which violations will be issued as citations. Axisis™ will apply an electronic signature to each approved citation.
- c. The City or County will provide a judge or hearing officer and court facilities to schedule and hear disputed citations;
- d. The City agrees to make reasonable efforts to prosecute each citation filed, and provide customary fine collection services for all final dispositions. Additionally, City agrees to pursue registration suspensions or other legal and customary means necessary to compel payment of outstanding notices.
- e. The City will assist in working with the Court in setting up the transmission of an electronic file to ATS with daily updates of all citation disposition information provided by the City indicating payments received or cases otherwise closed, dismissed or resolved.
- f. City will provide a project manager with authority to execute City responsibilities under the Agreement.
- g. City shall direct its departments to cooperate with ATS with respect to required systems integration and program implementation.
- h. The City agrees to use due diligence in working with ATS to acquire in a timely manner the necessary permits (e.g., but not limited to, an encroachment permit), approvals and other necessary documentation, from the City (and the State, if necessary) to enable the Axisis™ installation after the submission of the plans.
- i. City shall provide permits at no cost to ATS.
- j. City shall provide power and access to traffic signal phase connections to a pull box, pole base, or controller cabinet nearest to each Stationary Camera.
- k. In those instances where damage to the Stationary Camera Systems or sensors is caused by a third party working for the City or by the City or authorized agent due to scheduled or unscheduled road construction or repair, ATS will provide an

estimate of the cost of repair. Upon authorization to proceed with the repairs or replacement, ATS shall replace or repair any damaged equipment and invoice for pre-approved repair cost.

- I. The City shall provide a letter for the Violation Processing subcontractor to use with the Department of Motor Vehicles indicating that the ATS is acting as an Agent of the City for the purposes of accessing vehicle ownership data pursuant to the list of permissible uses delineated in the Drivers Privacy Protection Act 18 U.S.C. § 2721, Section (b) (1).

Exhibit C
Service Fees

The City agrees to pay ATS a monthly Service Fee for those selected services itemized below:

Monthly Service Fee per Approach

Cost Element	Monthly fee
<input type="checkbox"/> Axis RLC-300 Red Light Camera System monitoring front and rear images up to 4 lanes, image processing, data entry, California registered owner acquisition, final quality control review, access to web-based Axis VPS for Police Review, 1 st notice printing in color, postage and mailing, electronic notice file transmission to court system, evidence packages for scheduled hearings.	\$5,100
<input type="checkbox"/> Option A – Axis LIVE digital video system for monitoring up to 4 directions of travel at one intersection. Digital video will be internet accessible for remote police and court viewing.	\$295
Sub total	
Other Services	
<input type="checkbox"/> Option C – Axis E-Payment Portal for Electronic and Phone-based IVR payments – online access convenience fee charged to user.	\$0
<input type="checkbox"/> Option D – Identifying out-of-state registered owners and mailing violation notices: \$3.00 per mailed citation except for AZ and NJ, which is \$7.00 (State access charges billed monthly).	
TOTAL MONTHLY SERVICE FEE	

If a camera system is no longer generating adequate violations to cover the service fee, the ATS will consult with the City to determine an alternative location. The fee to move a camera from one location to another without mutual agreement is \$25,000.

The above Service Fees are maximum fees. In no case shall monthly fees exceed fines collected by the City.

Exhibit D

**Initial Camera Locations
Stationary Camera Systems**

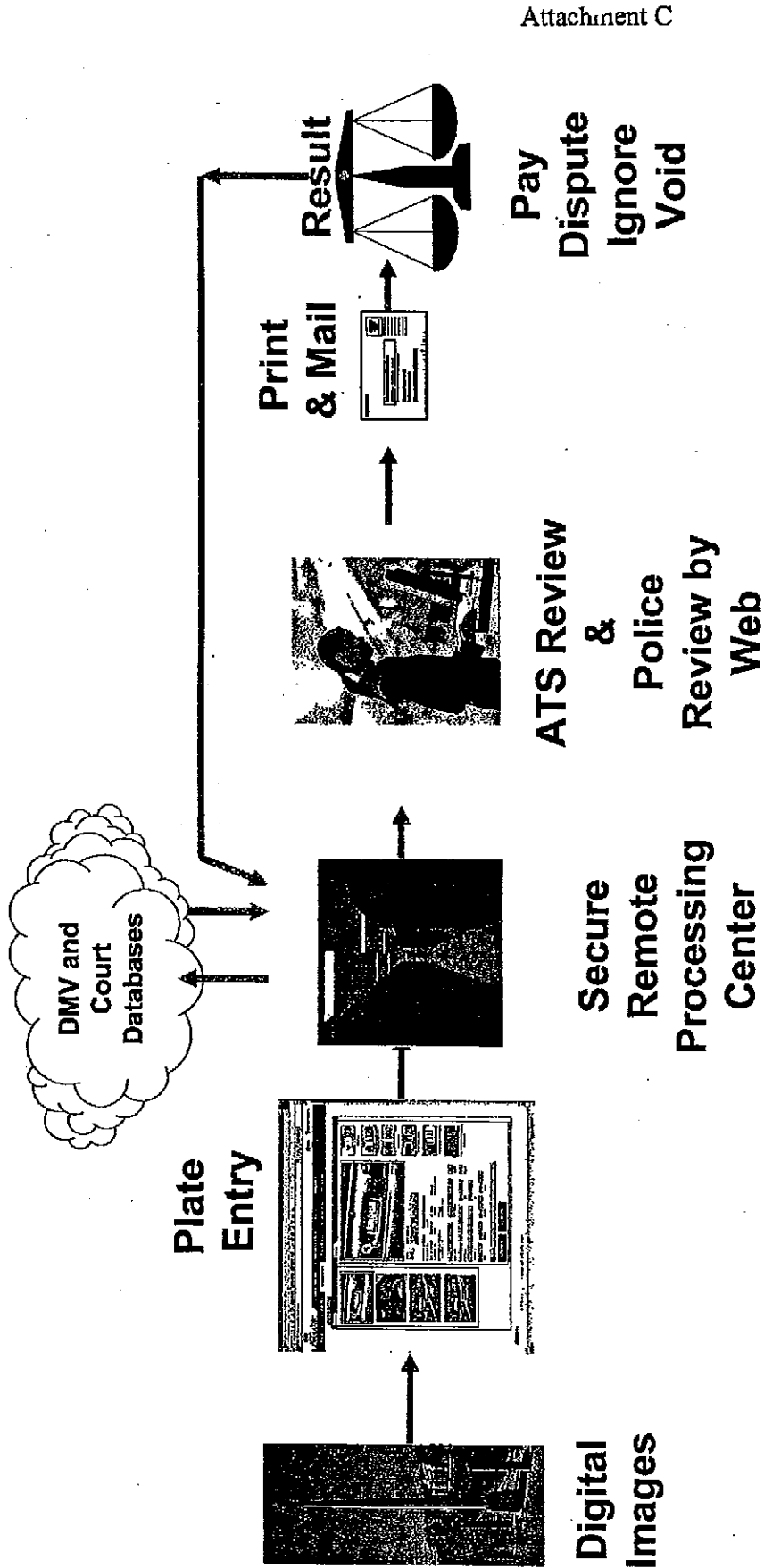
An Approach is defined as one direction of travel of one or more lane on a road or a traffic intersection.

The sites where the Dual Stationary Camera Systems will be installed were selected after a careful analysis by the City Police, or the Traffic Engineering Department, or both, and ATS engineers. Based on that analysis, the City and ATS has determined that each of these intersections have a high incidence of intersection collisions, there is an extreme difficulty in identifying violators, and that other traffic light changes/modifications would be ineffective in resolving these problems. Accordingly, the City determined that photo enforcement was the best solution to the dangers posed by these intersections.

The City approves that ATS install Dual Stationary Camera Systems at the following intersection(s) and to monitor the identified lanes:

Camera Location or Intersection Approach	Straight Through Lane	Left Turn Lane	Right Turn Lane

Violation Process Flow

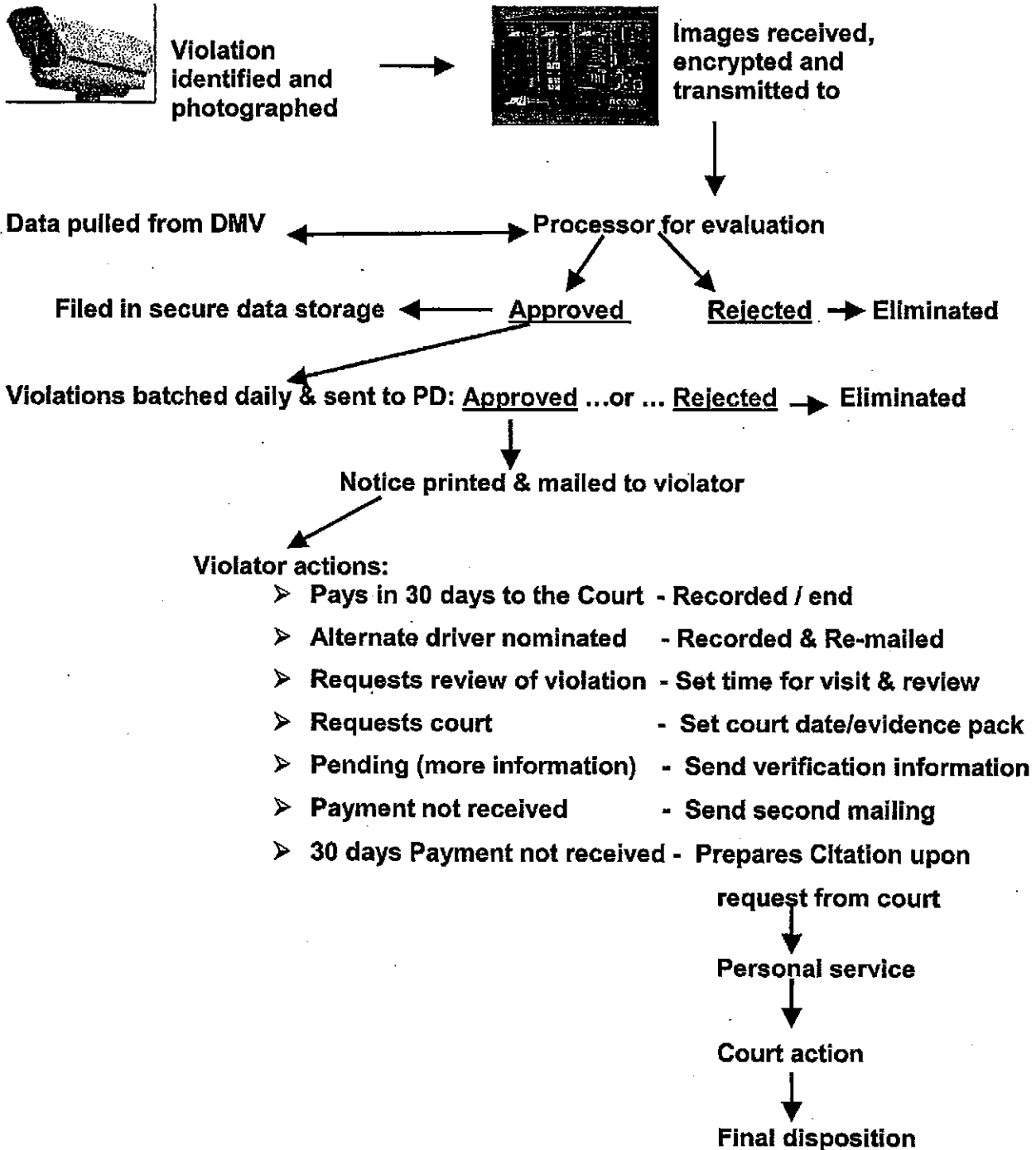


Attachment C

American
Traffic Solutions



VIOLATION - BEGINNING TO END





3. CONSENT CALENDAR (Continued)

S. Employment Agreement for the Finance Director to include a cost of living adjustment for Calendar Years 2005 and 2006.

This item was pulled for separate discussion. (See Page 10263)

T. Employment Agreement for the Chief of Police to include a salary increase in recognition of cost of living, performance and parity with other Police Chiefs in the area

This item was pulled for separate discussion. (See Page 10263)

U. Second Amendment to the Employment Agreement for the Public Works Director to include a cost of living adjustment for Calendar Years 2005 and 2006.

This item was pulled for separate discussion. (See Page 10263)

4. PUBLIC HEARINGS - None

5. OTHER BUSINESS

A. Approval of Check Register Report [300-10]

Council Member Norton asked staff how outside contracting for plan check is billed. Staff was directed to provide a response to the council in their trays. He also commented that the city is spending \$64,000 for Santa Cruz County Consolidated Emergency Center.

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to approve the Check Register Reports dated April 22 and April 29, 2005, including checks numbered 44312 through 44408 in the amount of \$164,098.01, and checks numbered 44409 through 44435 in the amount of \$22,854.39, and payroll disbursements for the 4/29/05 payroll in the amount of \$166,644.58, for a Grand Total of \$353,596.98. The motion carried on the following vote: AYES: Council Members Termini, Norton, Harlan, Nicol, and Mayor Arthur. NOES: None. ABSENT: None. ABSTAIN: None.

B. Red Light Camera Photo Enforcement Beta Test Contract and Installation. [490-20/500-10 A/C: American Traffic Solutions, Inc.]

Chief of Police Ehle summarized the written agenda report and commented on an additional memo that was distributed at the meeting. He commented on a proposal from RedFlex, another red light vendor, for \$6,100 per installation. Chief of Police Ehle expressed concern about their proposal compared to that of ATS. The proposal from ATS is a cost neutral, competitive bid. Chief of Police Ehle said staff is looking for direction from council regarding whether the city wants to explore this, if the city should contract with ATS to do it, and where the camera should be installed. Chief Ehle recommended the light be installed at the 41st Avenue and Capitola Mall Entrance location.

Council Member Termini asked about other collection services offered by American Traffic Solutions and whether an officer would have to go to court if a ticket were contested.

Council Member Nicol expressed his support for the proposal and believed the public safety aspect of program would benefit the community, and that there may be possible revenue enhancements.

Council Member Harlan asked if ATS had difficulty collecting fines from out of state drivers.

Mayor Arthur said he doesn't think it is necessary to give a warning period for people running red lights.

5. B. OTHER BUSINESS (Continued)

Council discussion was followed by this action:

ACTION: Council Member Termini moved to accept the Red Light Camera contract from American Traffic Solutions, Inc. (ATS), for cameras in both directions with beta test for one year at the intersection of 41st Avenue and the Capitola Mall Entrance, and that the 30 day warning period be waived by putting up signs well in advance and begin ticketing. Council Member Harlan seconded the motion recommending the city respond to Redflex Traffic Systems advising them that the city is not interested at this time, but to check back in a year. Council Member Norton said he is in favor of this program, but he is not in favor of it being a revenue-generating source, only as a safety issue. Council Member Termini accepted Council Member Harlan's recommendation to the motion, and the motion carried on the following vote: AYES: Council Members Termini, Norton, Harlan, Nicol, and Mayor Arthur. NOES: None. ABSENT: None. ABSTAIN: None.

C. Resolution of Intention to Initiate Proceedings for the Establishment of the Capitola Village and Wharf Parking and Business Improvement Area (BIA). [140-05]

City Manager Hill summarized the written agenda report and identified the areas included on a proposed area map displayed on the overhead projector. He said staff is looking at a cost of approximately \$8,300 for billing, etc., and that the \$2,500 is significantly less than staff anticipates it will cost. Mr. Hill said the proposed resolution calls for setting a public hearing on June 9, 2005.

Council Member Norton questioned areas to be included in the BIA. Council Member Termini said he thought the area should include the Rispin Mansion; however, the proposed map does not include Rispin property. City Attorney John Barisone said the map could be changed tonight and approved as part of the adoption of the resolution.

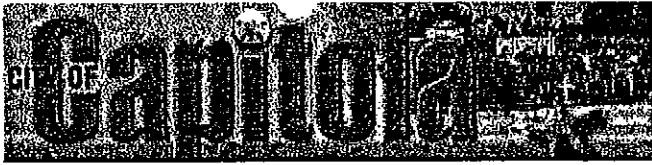
Carin Hanna responded to questions of council members on the proposed Business Improvement Area. She also said that although Upper Village businesses are not included in the area, businesses such as Gayle's Bakery could join the BIA as associate members.

Mayor Arthur said his father's house, located at 425 Riverview Avenue, is shown as a seasonal rental, which is incorrect. There was discussion regarding TOT properties, summer rentals, collection and billing of assessments, and whose responsibility it was to make sure the property list is correct. Mrs. Hanna said it was the BIA's responsibility.

Finance Director Lai commented on options for billing, whether it should be once or twice a year, staff hours that would be incurred, and cost.

Council discussion was followed by this action:

ACTION: Council Member Norton moved, seconded by Council Member Termini, to adopt **Resolution No. 3453, Resolution of Intention to Initiate Proceedings for the Establishment of the Capitola Village and Wharf Business Improvement Area Pursuant to the Parking and Business Improvement Area Law of 1989 in Order to Levy Assessments for Improvements and Activities for the Benefit of Businesses Located in the Capitola Village and Wharf Area of the City of Capitola** with correction to the proposed boundary map to include the Rispin Mansion property on Wharf Road. The motion carried on the following vote: AYES: Council Members Termini, Norton, Harlan, Nicol, and Mayor Arthur. NOES: None. ABSENT: None. ABSTAIN: None.



MEDIA RELEASE

DATE: May 13, 2005

Capitola, California

COUNCIL VOTES FOR INTERSECTION SAFETY

At last night's City Council Meeting, the Council voted unanimously to implement a red light photo enforcement program to deal with some of the City's most dangerous intersections.

"Council's vote to implement red light photo enforcement at one of the city's most dangerous intersections is a vote for improved community safety," Mayor Bruce Arthur said. The Mayor went on to say, "The program is designed to reduce the excessive number of violations and accidents in our community"

Chief of Police Richard Ehle reported that, "Intersections are dangerous. According to the *Institute of Transportation Engineers & National Highway Traffic Safety Association*, 44% of all injury crashes – 8500 fatalities & 25,000 serious injuries every year, and that the average driver is 150% more likely to be injured or killed at an intersection due to a red light violation than any other driving situation."

The selected vendor, American Traffic Solutions (ATS) did a full 24 hour analysis of each of the three intersections with the most violations and accidents. The analysis confirmed the police department belief that all three intersections were dangerous. One of the intersections had over 100 violations in a single day. The first intersection to be installed will be 41st Avenue at the Capitola Mall entrance. Additional intersections are planned to be added later, once the current road construction is completed.

The Chief believes that the first cameras are expected to begin installation in June and says they should be fully operational by August. Program costs will be met from violator fines. The program will be managed by the City Police Department with the assistance of Public Works and the Santa Cruz County Courts.

The City will run a 30-Day Grace Period during which the cameras will operate but only warning tickets will be issued. This grace period is a requirement of Assembly Bill 1022, which authorizes use of red light photo enforcement systems throughout the state.

"We did our research – the *Insurance Industry of Highway Safety report* is very high on the success of the automated programs. In San Francisco, violations fell 40% in the 1st 6 months of their program; and accidents are down 30% nationally at intersections with red light photo enforcement systems.

Additionally, automated red light photo enforcement systems free officers for other high priority enforcement and security duties" Chief Ehle said.

FOR FURTHER INFORMATION:

City of Capitola Police Department, Captain Mike Card, (831) 475-4242.

ATS Inc: Adam Tuton, Executive VP, at Tel: (480) 368-0900 Ex 207

USA red light accident information: Department of Transportation, FHWA Stop Red Light Running,
<http://safety.fhwa.dot.gov/community/srlr.htm>



PRESS RELEASE

FOR IMMEDIATE RELEASE

**CAPITOLA POLICE
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422 CAPITOLA AVENUE
CAPITOLA, CA 95010
(831) 475-4242 Office
(831) 471-1141 Dispatch
(831) 479-8881 Fax**

**CONTACT: (Sgt. Eller , badge #516)
Shift Days WED-SAT Hours 5pm-3am**

TRAFFIC ISSUES IN CAPITOLA

CAPITOLA, CA (Monday, September 19, 2005)

CASE

According to the State of California and local statistics, for the three-year period of 2001-2003, speed related violations have been the primary collision factor in about 24% of all traffic related fatal and injury accidents within the City of Capitola. During 2004 unsafe speed accounted for 34.78% of non-injury and 21.95% injury collisions. Furthermore, one stretch of multi-lane roadway, 41st Ave. has accounted for 42.59% of non-injury and injury collisions. This indicates that the City of Capitola has a serious problem in regard to speed related collisions. It also indicates that vehicles traveling on 41st Ave. stand a higher risk of being involved in a traffic related accident than they do on all other roadways in the City.

The Capitola Police Department receives complaints on a daily basis with regard to vehicles speeding within various sectors of the community. In the recent publication of the Final Report to the City Council by the "Neighborhood Traffic Advisory Committee" in December 2002, 52% of all complaints from the citizens were concerned with speed related violations. In January 2004 an "enforcement and Engineering analysis of traffic safety programs was performed by the Institute of Transportation Studies.

Capitola is a magnet for daily trip vacationers, particularly on weekends and has the only enclosed shopping mall in Santa Cruz County. the mall draws a number of people far beyond the listed population base. Estimates average approximately 25,000 to 35,000 non-residents increases up to 50,000 a day during the peak summer months. The mix of increased motor vehicles; pedestrians and bicycle riders increases the risk for traffic collisions because of the increased number of motorists and pedestrians on the road.

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IF YOU HAVE ANY QUESTIONS, PLEASE CALL CAPT. CARD OR CHIEF EHLE AT THE CAPITOLA
POLICE DEPARTMENT (831) 475-4935

To address the traffic issues of the City of Capitola, at the direction of Chief Richard Ehle, the Police Department, over the last several years, has applied for and received almost \$240,000 in traffic safety grants from the California Office of Traffic Safety (OTS). The grants include traffic safety equipment, overtime enforcement for seatbelts, DUI and enforcement for problem areas as identified by the citizens and department staff. The City Council has also directed the Police Department to pursue red light camera enforcement in the area of 41st Ave. which will begin some time in October of 2005.

For the year 2004, and in-depth analysis of collisions, including the locations and primary collision factor, shows that 285 collisions were recorded in the City of Capitola. Of the 285 recorded collisions, 22 were private property and 33 were "counter reports" that occurred in the roadway. 189 were non-injury collisions and 41 were injury collisions. The 41st Ave. corridor was the primary roadway in 9 of the injury collisions (21.95%) 71 of the non-injury collisions (37.57%). 41st Ave. was the primary roadway in 42.59% of the reported collisions in the City. The primary collision factor of 22350vc, unsafe speed, was listed as the cause of the collision in 49 of the 112 collisions on 41st Ave. (43.75%).

With the help from OTS, the Capitola Police Department has made headway in increasing the seatbelt compliance rate and reducing the injury and non-injury collision rate for the drivers who use the City's roadways. On behalf of the Capitola Police Department, I just received the second place award for the prestigious California Law Enforcement Challenge. The award is in recognition for the efforts of the Police Department to reduce collisions and associated injuries with regard to vehicle accidents. The Police Department competed with numerous other law enforcement agency's throughout the state.

Unsafe speed or what is commonly refered to as "speeding" is by far the most common cause for collisions. The California Vehicle Code section 22350vc states that "No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property." As the section reads a driver may be in violation of the section, by going slower than the posted speed limit. The operative phrase is "unsafe speed for conditions present." Other factors that are associated with collisions are distractions involving the use of cell phones, inattention and unsafe turning movements. The most important factor in the reduction of injury collisions is the use of seatbelts and proper child restraints. California drivers can boast that their seatbelt compliance rate has increased to 92.5%, the highest rate California has ever achieved and one of the highest in the nation.

Currently for the year of 2005, the 41st Ave. corridor has accounted for 38.50% of all recorded collisions in the City. Of those collisions, speed was the primary collision factor in 16.66% of the injury collisions and 26.39% of the non-injury collisions on 41st Ave. The reduction of these numbers from previous years has been due to the increased traffic enforcement and public awareness through the use of radar trailers and media campaigns. The traffic congestion and collisions will also be reduced by the installation of the center median, turn lanes and new traffic lights on 41st Ave., north of Clares St. which will be completed soon.

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IF YOU HAVE ANY QUESTIONS, PLEASE CALL CAPT. CARD OR CHIEF EHLE AT THE CAPITOLA
POLICE DEPARTMENT (831) 475-4935

FOR IMMEDIATE RELEASE

DATE: November 3, 2005

Capitola Implements Red Light Camera Program

The Capitola Police Department red-light camera program started October 1, 2005 with a 30-day warning phase. During the warning period, red light runners were only issued a warnings and no citation. As of November 1, 2005 violators will receive citations.

Using digital cameras, the City is able to monitor more intersections with fewer officers. The object of the program is to reduce red-light running and increase community safety. The program uses state-of-the-art digital cameras and detection systems.

The cameras photograph only those vehicles entering into the intersection after the traffic light has turned red. Motorists who enter the light during a yellow light and are in the intersection when the light changes will not be photographed. Police will review images and violation data for each event before authorized.

According to Police Chief Richard Ehle, "The purpose of using red-light cameras is not to punish people, but to save lives and reduce crashes." The Insurance Institute for Highway Safety reports that ignoring traffic control systems (e.g., red lights) is the leading cause of urban collisions - representing nearly 22 percent of all crashes. This results in nearly \$7 billion annually in medical costs, time off work, insurance rate increases, and property damage per year.

All intersections that have red-light cameras installed have signs posted stating "Photo Enforced".



FOR FURTHER INFORMATION:

City of Capitola Police Department, Sergeant Matt Eller, (831) 475-4242.

ATS Inc: Adam Tuton, Executive VP, at Tel: (480) 368-0900 Ex 207

USA red light accident information: Insurance Institute for Highway Safety,

<http://www.highwaysafety.org>