

Del Mar City Council Agenda

Del Mar Communications Center
240 Tenth Street, Del Mar, California

Dave Druker
Mayor

Richard Earnest
Deputy Mayor

Henry Abarbanel
Councilmember

Jerry Finnell
Councilmember

Crystal Crawford
Councilmember

Lauraine Brekke-Esparza
City Manager

Tamara Smith
City Attorney

Mercedes Martin
City Clerk & Information
Systems Director

Linda Niles
Planning & Community
Development Director

Welcome to the Del Mar City Council Meeting Monday, December 8, 2003, 6:00 p.m.

Agenda

It is the intention of your City Council to be receptive to your concerns about your community. Your participation in local government will assure a responsible and efficient City of Del Mar.

Regular Meetings of the City Council are held on the first, second, and third Mondays of the month, beginning at 6:00 p.m. For further information regarding the scheduling of meetings or meeting agendas, check the **City's web-site at www.delmar.ca.us**, or call the City Clerk's office at 858-755-9313. A full City Council agenda packet with all backup information is available at City Hall, the Del Mar Library, and on the City's web site the Friday before each Council meeting.

Anyone may address the City Council for three minutes on items on the Agenda, except Administrative Hearings. Please submit a "Request to Speak" form to the City Clerk prior to the Mayor announcing the agenda item. The forms are located near the door at the rear of the Meeting Room. The Agenda item number being addressed should appear on the speaker slip. The Mayor will call you forward at the appropriate time. To speak on a City-related concern that is NOT on the Agenda, please complete a "Request to Speak" form and submit it to the City Clerk prior to the beginning of the meeting. You will be called forward during the ORAL COMMUNICATIONS portion of the agenda.

When addressing the Council, please step up to the podium and state your name and address for the record. There is a time limit of three minutes, unless additional time has been arranged with the Mayor in advance. Whenever possible, lengthy testimony should be presented to the Council in writing and only pertinent points presented orally.

Consent Calendar: Items on the Consent Calendar will be enacted in accordance with the recommendations in one motion unless removed from the Consent Calendar by Council, staff, or a member of the public. If you wish to remove an item from the Consent Calendar, please submit a "Request to Speak" form to the City Clerk prior to the meeting. Removed items will be considered after the motion to approve the Consent Calendar.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at 1050 Camino del Mar, or by calling 858-755-9313. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

As a courtesy to all meeting attendees, **please set cellular phones and pagers to silent mode** and engage in conversations outside the Council Chambers.

Reference: Clerk's File No. 1506-1

2. **Draft Final ARJIS/SANDAG Consolidation Plan
(Crawford/Earnest).**

Recommended Action: Receive report; direct representative whether to vote for or against the Consolidation Plan.

Reference: Clerk's File No. 1506-1

- G. San Diego Area Wastewater Mgmt. District (Abarbanel/Finnell).
 - H. San Dieguito Lagoon (Finnell/Crawford)
 - I. San Dieguito River Valley Reg. Open Space JPA (Finnell/Crawford)
- Report on San Dieguito River Valley JPA Meeting of November 21, 2003 (Druker).**

Recommended Action: Receive oral report.

Reference: Clerk's File No. 1405-1

- J. Solid Waste Authority (Abarbanel/Finnell)
- K. 22nd District Agricultural Association (Druker/Earnest)
- L. The Railroad Advisory Committee (Abarbanel/Druker)
- M. Traffic and Parking (Earnest/Druker)
- N. Historic Preservation (Druker/Crawford)
- O. Other Committee Reports

ADMINISTRATIVE HEARINGS

PUBLIC HEARINGS

9. **Approval of Contract between the City of Del Mar and Redflex Traffic Systems, Inc. for automated Red Light Photo Enforcement Cameras and allocation of financial resources.**

Recommended Action: Conduct public hearing; pending review by City Attorney, authorize City Manager to execute a five (5) year contract with Redflex Traffic Systems, Inc. for automated red light photo enforcement cameras at a maximum of five intersections and allocate resources for operation and management of system.

Reference: Clerk's File No. 601-4

**MINUTES
DEL MAR CITY COUNCIL
REGULAR MEETING
DECEMBER 8, 2003**

CALL TO ORDER

The December 8, 2003, Regular Meeting of the Del Mar City Council, Del Mar, California, was called to order by Mayor Druker at 6:01 p.m. in the Del Mar Communications Center, 240 Tenth Street.

COUNCILMEMBERS PRESENT

Councilmembers Abarbanel, Crawford, Finnell; Deputy Mayor Earnest; Mayor Druker.

COUNCILMEMBERS ABSENT

None.

STAFFMEMBERS PRESENT

Lauraine Brekke-Esparza, City Manager
Mercedes Martin, City Clerk/Information Systems Director
Linda Niles, Planning and Community Development Director
Tamara Smith, City Attorney
Suzanne Wellcome, Finance Director/Treasurer
Joe Hoefgen, Assistant City Manager/Public Safety Director
David Scherer, Director of Public Works

PLEDGE OF ALLEGIANCE

Deputy Mayor Earnest led the Pledge of Allegiance.

COMMUNITY ANNOUNCEMENTS/PRESENTATIONS

Councilmember Crawford announced that the Del Mar Arts Center will be holding a fundraiser at the Del Mar Plaza on December 14, 2003 from 5:00 to 8:00 p.m. She stated it will include a performance by the Torrey Pines High School Choir.

PRESENTATION BY THE FRIENDS OF THE SAN DIEGUITO RIVER VALLEY, INTRODUCTION OF NEW PRESIDENT ANN GARDNER AND PROCLAMATION OF RECOGNITION OF OUTGOING PRESIDENT JACQUELINE WINTERER.

IT WAS MOVED BY DEPUTY MAYOR ABARBANEL, SECONDED BY COUNCILMEMBER DRUKER, TO APPROVE THE ENCROACHMENT PERMIT WITH STAFF CONDITIONS, ADDING THAT THE FIVE-FOOT SETBACK IS NO SHORTER THAN FOUR FEET FROM THE EDGE OF THE 12 INCH BERM AND THE HEIGHT OF THE WALL IS NO GREATER THAN 36 INCHES.

Kim Peterson noted that he could work within a five foot setback total, which would be four feet measured from the edge of the 12" berm, and a maximum height limit of three feet.

MOTION PASSED 4-0-1, WITH COUNCILMEMBER FINNELL ABSENT.

Councilmember Finnell returned to the dais.

ORAL COMMUNICATIONS ON POSTED AGENDA - 7:26 P.M. - None.

ORAL COMMUNICATIONS (Non-action Item) - None.

PUBLIC HEARINGS

ITEM 9 - 7:26 P.M.

APPROVAL OF CONTRACT BETWEEN THE CITY OF DEL MAR AND REDFLEX TRAFFIC SYSTEMS, INC. FOR AUTOMATED RED LIGHT PHOTO ENFORCEMENT CAMERAS AND ALLOCATION OF FINANCIAL RESOURCES.
(1506-3)

Director of Public Works Scherer presented the staff report and PowerPoint presentation and stated that as part of the Vision 2020 process, ongoing traffic enforcement was identified as a top priority. He stated that the system being discussed is not photo radar, not an enforcement of speeding, and is not a system for four-way stops or pedestrian crosswalks. He stated that this system is for traffic signaled intersections. He noted nationwide accident rates, and statistics for reduced violations and accidents following implementation of similar systems. He stated that on October 7, 2003, Council authorized a letter of intent with Redflex, and a decision was made to submit for proposals. He stated that Nestor Traffic Systems and Redflex Traffic Systems both submitted proposals, and while Redflex met all of the requirements for the RFP, Nestor did not, and was actually

written for another city. He stated that this system of digital photo enforcement adds a virtual officer 365 days a year. He noted that Mark Etzback with Redflex Traffic Systems, Inc. will present typical system evidence collected through their patented technologies used to determine whether to issue a ticket.

Mark Etzback, Redflex Traffic Systems, Inc., presented digital video showing how the system works. He noted that the traffic light has to be red and the vehicle has to be traveling at a minimum speed for the system to be activated and capture the images. He showed where all of the pictures are taken, including where the vehicle was before the line while the light was red, an image of the license plate, a shot showing the violation occurring, and an image of the driver. He stated that the system allows for mitigating arguments such as emergency response vehicles coming from behind, etc. He reviewed how the cameras would be housed, and reviewed the images that the Sheriff's department would have at their disposal in order to determine whether to issue a citation.

Director of Public Works Scherer stated that the City noticed this item as a public hearing in compliance with AB1022. He stated that the City advertised the hearing in the November 28, 2003 and December 5, 2003 Del Mar Times. He stated that the staff installed camera housing at 9th Street with information about the hearing and contact information as well. He noted that picture evidence begins only after the yellow phase is over, meaning a motorist entering on yellow would not be cited if the light turned red while they were in the intersection. He stated that one issue with AB1022 is entrapment, and they have set a minimum requirement for the length of the yellow light and the City will go beyond that minimum standard by .2 seconds. He noted that the system is triggered only when the vehicle crosses the threshold at 18 miles per hour (mph) or 10 mph in the turn lane. He stated that this is not a State requirement, but a practical issue as vehicles traveling slower than this are trying to stop or are creeping through the intersection and are not posing a danger to the public. He stated that the officer makes the decision in compliance with AB 1022, and Redflex is not involved with the decision nor do they influence the process. He noted that signage will be posted in compliance with AB 1022, both on entering the City and nearing the signals. He stated that the recommended intersection at Camino del Mar

and Via de la Valle showed 23 Red Light Runners (RLR) going northbound during an evening rush, and three RLR going north and 30 RLR turning east during a morning rush. He stated that staff has observed about 10 violations per hour at Camino del Mar and 4th Street. He stated that staff is recommending a five-year contract with Redflex at Camino del Mar and Via de la Valle and at the Camino del Mar and Carmel Valley intersections. He stated that the second group to be studied would be Camino del Mar and 4th Street, and then at Jimmy Durante and Via de la Valle intersection. He stated that the recommendation for Camino del Mar at 9th Street intersection is to delay implementation until after June 30, 2004 when the LED conversion is made. He stated that some LED modification will need to be made to some signal heads in order to be picked up by the cameras. He stated that the City's only area of non-compliance with AB 1022 is in the per-ticket or percentage payment method. He stated that a new part of AB 1022 stipulates that cities must pay a flat rate and not a percentage to companies such as Redflex; however he feels that as this is the only area of non-compliance, this method of payment may still be an option. He stated he would like to work with a subcommittee on this to make the choice that is most responsible to the City. He stated that staff recommends going with a pay-as-you-go system for a year and then have the option to go with a flat fee. He noted two e-mails in Attachment C, one from Shirley King and one from John Kerridge.

Director of Public Works Scherer stated that the initial budget authorization will be \$50,000. He stated that staff expects the system to generate revenue to recover this cost, and the system will be revenue neutral. He stated that to start the system, some traffic engineering review will be needed, including reviewing timing phases, and base maps for the intersections that will be provided by City Engineering. He stated that the City will be responsible for installing signage, and LED conversions will need to take place at a cost of \$1,500 each. He stated that there will be a cost for the DSL cable; however Redflex will absorb the cost of the DSL signal. He stated that finally there will need to be a public information campaign to inform residents of the new system, and there will possibly be some attorney fees for contract review. He stated that the maximum number of camera poles for each intersection would be four, two for each traffic approach.

Councilmember Druker asked why 4th and Camino del Mar was not considered at this time.

Director of Public Works Scherer stated that the traffic volume in that intersection is higher, however staff recommends creating a halo effect by putting one at either end of town to send a message. He stated that additional study of these intersections is needed. He noted that Redflex will own the equipment, and they will handle the maintenance, however if the City damages the equipment then the City is responsible, otherwise Redflex will repair it. He noted that Redflex is liable for the evidence that is submitted to the Sheriff's Department, and that any shots that are not clear will not be forwarded to the Sheriff's Department.

Mark Etzback discussed the accuracy of the point-to-point speed detection. He stated that if one of the elements is not clear, Redflex will not forward the evidence to the Sheriff's Department. He stated that training for Sheriff's personnel is available from Redflex under the City's contract, and training usually lasts about three days.

Director of Public Works Scherer stated that he would like to work with a City Council sub-committee to determine which of the pay systems works best for the City. He stated that a memorandum of understanding (MOU) will need to be established with Solana Beach in order to place a pole on their property at Camino del Mar and Via de la Valle. He stated that there have been discussions with Solana Beach, but an agreement has not been formalized. He stated that these cameras are not on 24 hours a day as they do not activate until triggered by a RLR. He stated that they are not applicable for four-way stops, for speed enforcement by radar, or for pedestrians. He stated that these cameras have proven to be invaluable to investigations of accidents.

Sheriff's Captain Tony Nares stated that the Sheriff's Department strongly supports and endorses red light photo enforcement. He stated that he feels that the statistics in the Staff Report are accurate. He stated that he feels that the red light cameras will reduce violators and will reduce accidents. He stated that this will also free up a traffic deputy to work in other areas of the City. He stated that Poway has suspended their program; however Vista and Encinitas are close to signing with Redflex.

City Manager Brekke-Esparza suggested that if Encinitas and Solana Beach move forward, then perhaps the cities can pool resources.

Mayor Earnest opened the public hearing.

Nitza Leichling, 903 Stratford Court, stated that there seems to be a blatant disregard for signs. She stated that from her home, and from her office at 9th and Stratford, she sees a lot of violations. She stated that she feels that the cameras will help and will improve safety.

Bill Michalsky, P.O. Box 874, Del Mar, stated that Traffic Parking Advisory Committee (TPAC) looked at ACS initially, which is the system that Poway is discontinuing in favor of Redflex. He noted that Redflex made a presentation to TPAC. He stated that originally he was opposed to the idea of cameras in public, however changed his mind after seeing evidence that it does deter violations and accidents. He stated that he does not think the City should limit their options, and shouldn't rule out 15th and Camino del Mar. He stated that aesthetics should be considered so that the poles don't stand out and keep adequate signage in mind. He stated that the pay-as-you-go method seems to be in the City's best interest, and encouraged Council to consider that method.

John Kerridge, 334 El Amigo Road, stated that the Del Mar Village Association feels that this enforcement should be considered. He referred to the e-mail in the packet where the DMVA recommended this option, however there were some concerns. He stated that there are strong views that this project should be driven by safety concerns and not revenue generation. He stated that a second concern is that the DMVA would like to see more research done on what kinds of accidents are occurring in Del Mar and what would the impact of red light cameras be. He stated that the City needs to balance resources. He stated the DMVA would like to know if any communities have had reduction in tourism and shoppers due to visitors being scared away by the red light cameras. He stated that the most dangerous places in town are really stop signs, not stop lights, and suggested some modification of the process could be implemented.

Mayor Earnest closed the public hearing.

Captain Nares stated that historically, the top three accident areas are at Jimmy Durante and Via de la Valle, at Border and Camino del Mar, and the entrance to the Fairgrounds.

Director of Public Works Scherer stated that if the average number of RLR per day is 50 to 55, minus the reduction of 30% for bad evidence, then the Sheriff's Department will issue about 40 tickets. He stated that Redflex would be paid based on those 40 tickets, and the City would collect at the 75 to 80% range. He stated that when you institute these cameras, then the driving behaviors change and there is a significant reduction in the number of RLR and accidents.

Deputy Mayor Abarbanel stated that he would argue that the City should sign-up for the fixed fee with the option to renegotiate that after one year. He stated that there should be some discussion at a budget session to see if that money could be put into law enforcement. He stated that he would like to have a conversation with Captain Nares and the Sheriff's Department to determine the best course of action.

Councilmember Crawford stated that she agreed that a subcommittee should be formed to determine which payment method is best. She noted that Redflex has already agreed that the payment method can be changed after a year. She stated that she would like this program to be, at minimum, revenue neutral, but that public safety is priority. She stated that she would like to have better law enforcement at the other intersections where the City has not been able to afford in the past. She stated that the overriding concern in her mind is that there is already a significant problem at one intersection, and that the City has the opportunity to put something in place that does have some negatives. She stated that the number of cameras and signage will have some aesthetic impact, but safety is more of a concern. She stated that she supports the idea of having a subcommittee to look at the financial issues. She stated that she would like to enter into a contract by the end of the year to maintain the option to change the payment method after one year.

Councilmember Finnell stated that the public safety interests are compelling, even though there will be some negatives in terms of aesthetics. He stated that he agreed that if this project turns out to be revenue positive, he would like to see excess funds used for additional traffic enforcement and

safety enforcement. He stated that while Council may determine that a flat fee is better, it is a good idea to wait a year to make that determination. He stated that he supports moving forward with this project.

Councilmember Druker stated that if Solana Beach and Encinitas are going to be implementing this, then Del Mar's implementation shouldn't have an impact on local businesses. He stated that the real impact to business is going to be the signage and poles, as it is out of character with what Del Mar looks like. He stated that people should remember that this isn't a privacy concern, as only violators will be having their pictures taken. He stated that this is more of a safety issue than a revenue generation issue. He suggested that staff look at 4th Street and Camino del Mar instead of Carmel Valley and Camino del Mar, as it is more dangerous and has more traffic and accidents. He stated that he is surprised by the number of violations, and feels that this may in fact be at least revenue neutral.

Mayor Earnest stated that he went to El Cajon with TPAC, and he and Jerry Finnell looked at this closer with the City Manager. He stated that if this keeps people from being hurt, then it is worth doing. He stated that this is going to be tried at one intersection, and he supports the idea of having them at the portals, rather than having them in the business district. He stated that this is not an obtrusive burden to the City financially, and he recommends that Council authorize the City Manager to negotiate and execute a contract. He stated that he would work with the subcommittee to examine the financials.

Councilmember Finnell stated that he would work on the subcommittee also.

IT WAS MOTIONED BY MAYOR EARNEST, SECONDED BY DEPUTY MAYOR ABARBANEL, TO AUTHORIZE THE CITY MANAGER TO EXECUTE A FIVE (5) YEAR CONTRACT WITH REDFLEX TRAFFIC SYSTEMS, INC., FOR AUTOMATED RED LIGHT PHOTO ENFORCEMENT CAMERAS AT A MAXIMUM OF FIVE INTERSECTIONS AND ALLOCATED \$50,000 FOR INITIAL ENGINEERING, CONSTRUCTION, OPERATION AND MANAGEMENT OF THE SYSTEM. MOTION PASSED UNANIMOUSLY.

Council appointed Mayor Earnest and Councilmember Finnell to work with staff on a subcommittee to review the financial options of the contract.

ITEM 10 - 8:48 P.M.

SECOND READING AND ADOPTION OF ORDINANCE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 23.12 OF THE DEL MAR MUNICIPAL CODE INCORPORATING PROVISIONS OF THE SAN DIEGO COUNTY CODE REGARDING UNIFORM CODES FOR CONSTRUCTION. MUNICIPAL CODE AMENDMENT A-03-03. (401-4)

Planning and Community Development Director Niles presented the staff report and stated that there are no changes to the ordinance amending Uniform Codes for Construction being proposed at the second reading.

Mayor Earnest opened the public hearing. There being no one to speak, Mayor Earnest closed the public hearing.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR ABARBANEL, TO ADOPT ORDINANCE 763: AN ORDINANCE OF THE CITY OF DEL MAR, CALIFORNIA, INCORPORATING PROVISIONS OF THE SAN DIEGO COUNTY CODE REGARDING UNIFORM CODES FOR CONSTRUCTION. MOTION PASSED UNANIMOUSLY.

CITY MANAGER REPORTS

ITEM 12 - 8:50 P.M.

IMPACT OF LOSS OF VEHICLE LICENSE FEE REVENUE TO DEL MAR. (201-6)

City Manager Brekke-Esparza stated that it is difficult to track what is happening in Sacramento regarding Vehicle License Fees (VLF); however the League of California Cities is doing an excellent job of keeping everyone informed.

Finance Director Wellcome gave some background on the VLF. She stated that the tax is now 2% of the value of the vehicle on a depreciating scale. She stated that over the last several years, there has been a reduction to the VLF to 1/3 of 2%, with the government picking up the remaining costs, called backfill. She stated that this year, with Governor Davis reinstating the full 2% VLF, the State did