

**LYNWOOD CITY COUNCIL
SPECIAL MEETING
June 17, 2014**

Item #1. CALL TO ORDER

The City Council of the City of Lynwood met in a special meeting in the Council Chambers, 11330 Bullis Road, Lynwood, CA on the above date at 5:09 p.m.

Mayor Castro presiding

Item #2. CERTIFICATION OF AGENDA POSTING BY CITY CLERK

City Clerk Quinonez announced that the agenda had been duly posted in accordance with the Brown Act.

Item #3. ROLL CALL

PRESENT: COUNCIL MEMBERS ALATORRE, SANTILLAN-BEAS, SOLACHE,
HERNANDEZ AND CASTRO

ABSENT: NONE

Council Member Alatorre attended via teleconference from Holiday Inn, 195 Kern St. Salinas, CA 93905.

STAFF PRESENT: City Manager Magana-Withers, City Attorney Garcia, City Clerk Quinonez and City Treasurer Rodriguez.

Item #4. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Hernandez.

Item #5. INVOCATION

The Invocation was given by City Clerk Quinonez.

Item #6. PRESENTATIONS/PROCLAMATIONS

Sheriff Captain Ernie Chavez – Update on Law Enforcement Issues
Lieutenant Deeds reported on the murder of La Playita Owner Mr. Padilla. He stated that homicide and gang investigators are working on the case and has no doubt they will soon bring the suspects to justice. He reported on another shooting incident which occurred on June 8th at the 11800 block of Louise, where a man was shot in the driveway. He said the incident was considered a gang related incident and gang investigators are working on that case. He commented on the upcoming My Lynwood Healthy Cities run in conjunction with the Sheriff's Department scheduled for June 28th

attended the VIDA Program Graduation put on by the Sheriff's Department. She added that the program assists the at risk youth who are taught responsibility, respect and how to overcome the issues they are facing. She also attended the Juneteenth celebration and she acknowledged the Bingo Club, the Chamber of Commerce and staff for doing a phenomenal job. She stated that the event was attended by Congresswoman Janice Hahn and Ms. Julia Juarez, Representative from Senator Ricardo Lara's Office and both were very happy to attend and both presented the city with recognitions. She reported attending the Drop In Center for the Forgotten Children which assists women to leave the sex trafficking life. The center provides help through counseling and prayer or just a safe haven for them to go to and get away from the street. Representatives from San Bernardino were also in attendance at the grand opening. She thanked Lieutenant Deeds for attending as well. She also mentioned that there were people from Rialto, Long Beach and San Bernardino at the Juneteenth event. She stated that the subcommittee meetings have continued to be held and they have not been attended by the public. She mentioned that the Reorganization and Budget Sub Committee met weekly and discussed the proposed reorganization.

Item #7. CITY OF LYNWOOD AS THE SUCCESSOR AGENCY TO THE LYNWOOD REDEVELOPMENT AGENCY

It was moved by Council Member Santillan-Beas, seconded by Council Member Alatorre to recess the Lynwood as the Successor Agency to the Lynwood Redevelopment Agency at 6:35 p.m.

LYNWOOD HOUSING AUTHORITY

It was moved by Council Member Santillan-Beas, seconded by to recess to the Lynwood Housing Authority at 6:38 p.m.

The City Council meeting reconvened at 6:43 p.m.

PUBLIC ORAL COMMUNICATIONS
(Regarding Agenda Items Only)

Mayor Castro read a letter from Mr. Marvin Aceves in regards to Item #8 - FY 2014-15 CITY MANAGER PROPOSED BUDGET, he commented on great attributes of the current parliamentary for the Lynwood Block Watch organization. He asked the City Council to leave the Block Watch parliamentary position as is in order for the organization to prosper and requested that relief with the work load as well. She handed the letter to the City Clerk to be entered into the record.

Irene Garcia commented on Item #14 - REDFLEX PHOTO RED LIGHT ENFORCEMENT PROGRAM – AGREEMENT RENEWAL and Item #17 - REQUEST FOR SPECIAL PERMIT: BLOCK WATCH STREET CLOSURES. In regards to Item

#14, she commented against the Redflex Cameras as they have been banned in other cities for public safety reasons. In regards to Item #17, she recommends that the council choose option #1.

City Attorney Garcia stated that revisions were made to the Redflex contract and Ms. Deborah Jackson had copies with the modifications.

Mayor Castro stated that when modifications are made they should be included in the agenda packet for the publics' view.

Maria Viera commented against Item #14 - REDFLEX PHOTO RED LIGHT ENFORCEMENT PROGRAM – AGREEMENT RENEWAL. She asked that the cameras on Atlantic and Imperial be removed.

Ana Maria Barraza commented against Item #14 - REDFLEX PHOTO RED LIGHT ENFORCEMENT PROGRAM – AGREEMENT RENEWAL. She asked that the cameras be removed and commented on the funding for the cameras and the cameras causing accidents. She asked why the contract was for five years and not just one year.

Antonio Munguia commented against Item #14 – REDFLEX PHOTO RED LIGHT ENFORCEMENT PROGRAM – AGREEMENT RENEWAL. He commented on the length of time for the contract being too long. He commented on the fees paid to phone companies and said residents from South Gate are happy cameras are gone.

Jim Lissner commented on closed session discussion and stated there should have been public comment on closed session for the item not previously discussed in open session. He also stated that public comment on any item should have been allowed in the Special meeting. He would like to comment on the Redflex item but wants to get a copy of the modified contract to review before he makes his comments.

Antonio Munguia commented on the incident with Mr. Padilla and is sad about the incident. He thanked the City Council for what they are doing.

Harry Gibbens provided a letter for the City Clerk to read. Mr. Gibbens commented on the paragraph printed in the minutes of June 3, 2014 in regards to Walnut and said the statement is not true. He reiterated one more time what his suggestion which is to plant more flower bushes along the fence at the rear of Wright Road building sites, including the rear damaged fence of the LUSD Warehouse and school at the 710 freeway. He specifically suggests red bougainvilleas and that recycled water be used to water them. He asked when the flowers will be planted since he mentioned this to council on February 18th.

Mayor Castro asked the City Manager to respond to Mr. Gibbens in writing. She is not sure but believes this is Caltrans property and adjacent to that it is private business and the city cannot tell Caltrans or private businesses what to do.

PUBLIC WORKS, CODE ENFORCEMENT, PARKING AND OTHER INTER-DEPARTMENTAL REQUESTS

NEW/OLD BUSINESS

Item #14. REDFLEX PHOTO RED LIGHT ENFORCEMENT PROGRAM – AGREEMENT RENEWAL

Mayor Castro asked the City Attorney to state the new recommendations received for the members of the audience.

City Attorney Garcia stated that they received notification from the Vice-President of Redflex that she has agreed to some suggestions he had proposed as follows: Section 8.1 – Delete the term “Gross”, Section 8.2 – Revise the indemnification language so that the city has broader coverage, Section 6.3.3 – The prior agreement limited Redflex’s liability to \$5,000, to restore the light to its original condition immediately after their equipment is removed and the \$5,000 cap was removed, Exhibit D – Section 2 – Revise the cost neutrality provision so that instead of the cost neutrality being achieved at the end of the contract, a term was added that the cost neutrality would be achieved in good faith. City Attorney Garcia said they agreed to all the modifications.

Mayor Castro asked the City Attorney to elaborate on the \$5,000.

City Attorney Garcia explained that the \$5,000 was the cap referenced in Section 6.3.3 in regards to restoring the light to its original condition upon removal of the camera at actual cost of restoration instead of limiting the restoration to no more than \$5,000.

Mayor Castro asked for clarification in regards to the cost neutrality modification.

City Attorney Garcia stated that they agreed to achieve the cost neutrality in good faith rather than at the end of the contract.

Mayor Castro asked why the city is paying a cell phone fee.

Ms. Jackson explained that it is a fee for Wi-Fi Service for \$159 a month but it will not be paid by the city in the new contract renewal.

Mayor Castro suggested to the audience that they go the Firestone and Atlantic intersection in South Gate and see for themselves the gridlock traffic caused during traffic hours.

Mayor Castro asked the Redflex representatives why the contract needs to be for 5 years and why not for 2 years or something more reasonable.

For the record, Mayor Castro stated, "I don't have a problem with you guys, I don't feel sorry for people who violate the law and take red lights and cause gridlock traffic. I am not feeling sorry for it and those other cities that used to have it, don't have it because it is not the same system we have but I do want to know like, do we have to pay out of pocket because I don't feel we should be paying out of pocket either you make money or you don't. Where does the money go because I am sure it doesn't go to the State of Arizona but I need you to educate the community. What others cities have this same exact program that we have in the State of California and why five years and not two?"

In regards to the 5 year contract, the Redflex representative stated that they are trying to cover their cost of maintenance and charge the city a monthly flat fee which provides the city the equipment, the training and maintenance of the systems. He added that they are willing to negotiate a shorter contract with the city.

Mayor Castro explained to the public that some contracts such as the street sweeper contract and the trash hauler contract need to be for a certain length of time to recuperate their investment.

Mayor Castro asked what other cities in the State of California have the exact same system.

The representative stated that there are at least 40 other clients in the State of California with the largest being the Sacramento Metropolitan Red Light Camera program with 26 approaches and going to 40 approaches in their contract renewal. He added that the fines are different in every County in the State and are determined at the legislature level and not by the city or Redflex and in the State of California, the base fine for red line running is \$100 and the rest of the moneies are penalties and assessments levied by the State Capitol.

Mayor Castro asked that the record reflect that none of the money goes to Arizona, except for the company's profit, because the company is based in Arizona.

Mayor Castro asked if the city is paying out of pocket.

Ms. Jackson explained that, that was the cost neutrality issue but at the end of the contract the city got money back.

Council Member Solache asked how much was given back to the city.

Ms. Jackson responded it was about \$30,000.

Mayor Castro asked over what length of time.

Ms. Jackson responded over a 5 year contract. She stated that the City Attorney has said they will monitor the process and if the city is paying more than what they are getting back, they will balance it month to month.

Council Member Alatorre stated that since the contract expired and the city went month to month with Redflex he has not seen any cost neutrality and the city pays a monthly fee of \$5,000 per camera plus the fee for the phone service. He asked who is paying for the detective from the Sheriff's Department to review the tickets. He stated having an issue with the cost neutrality and not being comfortable with the contract.

Mayor Castro explained to Council Member Alatorre that if there is a contract renewal the cost neutrality would be adjusted and the 10 percent cap would be removed in the new contract.

Council Member Alatorre said he also has a concern about the upgrade of the equipment because they are not saying who is paying for that.

Mayor Castro asked the Redflex representatives who is paying for the upgrade of the equipment.

Redflex responded that they pay for the upgrade.

Mayor Castro stated that in the new contract it has been detailed and explained that Redflex is paying for the upgrade of the system.

Mayor Castro asked who pays for the deputy to review the tickets.

Ms. Jackson stated that no one pays Deputy Parr because it is part of his duties and responsibilities through the Sheriff's Department.

Council Member Alatorre stated that he did not think the detective doesn't get paid and also asked who pays for the court hearings.

Deputy Parr stated that there is no additional cost and it is an added function of his job through the County.

Mayor Castro asked Deputy Parr to describe the types of situations the Sheriff's encountered on Long Beach and Imperial and Atlantic and Imperial prior to the installation of the red light cameras.

Deputy Parr stated being with Century Sheriff's Station since 1999 and in his experience gridlocks and traffic collisions have decreased since the red light cameras have been in place.

Council Member Solache stated he had discussed this issue with the Mayor Castro in the past and it has been difficult for him because he has had many residents talk to him about how unhappy they are with the fees for the fine and the cameras overall. He said he is not ready to approve the contract for five years. He asked if we can continue month to month until it is decided what they will do.

Deputy Parr explained that many residents do not understand the technology and what they don't like are the fees. He added that it is the same fines and violations as if the deputies were enforcing red light running from their cars.

Council Member Santillan-Beas stated that there is a need for the red light cameras specifically the one Imperial and Atlantic. She commented on the gridlock traffic that occurs when there is an accident on the 710 freeway. She agreed tickets are expensive but are also reviewed. She said it is a safety issue and if the cameras are removed it will create a problem.

Mayor Castro added that when Plaza Mexico has an event the cameras on Long Beach and Imperial have helped.

Mayor Pro Tem Hernandez stated that he is not ready to go with 5 years either and he understands it is an investment to the company and at this time most cities are going away from it. He agrees to a 2 to 3 year contract.

It was moved by Mayor Pro Tem Hernandez, seconded by Council Member Santillan-Beas to enter into a 2 years contract with Redflex:

The Redflex representatives stated that they would entertain a 3 year contract at the same price.

Mayor Castro asked Mayor Pro Tem Hernandez if he agreed to the 3 year term. She allowed Mr. Lissner time to speak.

Mr. Lissner read information in regards to the red light camera removals from the cities of Oakland, Walnut, Highland, Santa Ana, and Inglewood. He commented on the cameras being ineffective when there are a high percentage of visitors to the city. He added that quitting know will allow the city to stop paying the rent and recover the ticket fines in the pipeline. He commented on receiving Grand Jury paperwork for another city in regards to red light violations not stopping accidents. He suggests the city take advantage of the money he mentioned.

Ms. Jackson stated that the fine for the red light violation is \$470 and \$150 is for the City of Lynwood.

Mayor Castro commented on living in the city since 1977 and has received 2 tickets herself.

It was moved by Mayor Pro Tem Hernandez, seconded by Council Member Santillan-Beas to renew the contract for 3 years with the new negotiated terms.

RESOLUTION NO. 2014.100 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNWOOD TO RENEW THE EXISTING AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS FOR THREE (3) YEARS AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT

AYES: COUNCIL MEMBERS SANTILLAN-BEAS, HERNANDEZ AND CASTRO
NOES: COUNCIL MEMBERS ALATORRE AND SOLACHE
ABSTAIN: NONE
ABSENT: NONE

Item #15. REQUEST TO HANG STREET BANNER FROM LYNWOOD ATHLETICS & COMMUNITY SERVICES (LACS)

It was moved by Council Member Santillan-Beas, seconded by Council Member Solache to approve the waiver and for the city's banners to take priority.

AYES: COUNCIL MEMBERS ALATORRE, SANTILLAN-BEAS, SOLACHE; HERNANDEZ AND CASTRO
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE