

San Bernardino  
1-24-11 council mins.

Council Member/Commissioner Kelley made a motion, seconded by Council Member/Commissioner Desjardins, that the City Engineer be authorized to proceed with the sale of City Water Department property generally located northeasterly of Myers Road and west of Martin Ranch Road, and being a portion of APN 0348-101-76; and that said resolution be adopted. The motion carried and Resolution No. 2011-17 was adopted with Johnson voting "no."

29. **RES. 2011-18 - Resolution of the City of San Bernardino authorizing a critical technology infrastructure upgrade for the City of San Bernardino; agreements with New World Systems and Nexus Integrated Systems; and a Memorandum of Understanding with the Board of Water Commissioners.**

June Yotsuya, Interim Information Technology Director, gave a PowerPoint Presentation entitled "New Technology Upgrades. . . Investing in San Bernardino's Future, Improving City Operations thru Integrated Management."

Council Member/Commissioner McCammack made a motion, seconded by Council Member/Commissioner Brinker, that said resolution be adopted; and that the Director of Finance be authorized to amend the FY 2010/11 budget as outlined in the staff report from June Yotsuya, Interim IT Director, dated January 20, 2011, to reflect all the first year costs and funding sources and the terms and repayment schedule in the MOU. The motion carried and Resolution No. 2011-18 was adopted unanimously.

30. **Resolution of the City of San Bernardino authorizing a contract with American Traffic Systems (ATS), of Phoenix, Arizona, for an upgrade of the City's Red Light Camera Enforcement System.**

Council Member/Commissioner McCammack made a motion that said resolution be adopted. The motion died for lack of a second.

Council Member/Commissioner Kelley stated that he understood that the red light cameras were going to be moved from University Parkway and Kendall down to Hallmark Parkway.

Assistant Chief of Police Mark Garcia answered in the affirmative.

Council Member/Commissioner Kelley stated that when the Council first looked at expanding the red light cameras, he had noted that they take some great pictures and they illuminate the intersections, but they do not prevent accidents. He stated that he does not believe the westbound Hallmark Parkway at North University Parkway is the right location for a red light camera because it is the eastbound traffic off of Hallmark Parkway going to the freeway, particularly in the late afternoon, that is a problem. He stated that he would be very interested

to find out what the traffic accident counts are for that intersection because he believes a more appropriate location based on accident counts would be Little Mountain Drive and Kendall.

Mike Eckley, Public Safety IT Manager, stated that the Federal Highway Administration's recommendations for red light camera systems do not necessarily state that a camera system needs to be placed at intersections with high accident rates. The Federal Highway Administration suggests that red light camera systems be used to train out aggressive driving habits and inattention. He stated that the location of the cameras is purely a policy decision. If they were to put one at Little Mountain and Kendall, average daily traffic counts, accidents, and the number of violations suggest that the system would not be able to support itself as a safety tool. He stated that they could certainly put one there, but they would have to provide extra money to support it as a safety tool; therefore, one was not recommended.

Council Member/Commissioner McCammack stated that that was not what this Council intended when it originally approved the red light cameras. This Council allowed the red light cameras to be placed in areas with the highest accident rates, and if the cameras are being placed elsewhere, she would not support this item.

Mayor/Chairman Morris stated that this is a public safety issue; it is all about avoiding accidents at these intersections in the City.

Assistant Chief of Police Garcia stated that they could certainly put red light cameras at any intersection. He stated that there has been some concern whether or not they do reduce accidents, and the evidence on that is mixed. There are other reasons, as Mr. Eckley stated in the beginning of his presentation, why red light cameras are used and that is to train out aggressive driving habits and to put people on notice that traffic safety is a concern in this City.

City Attorney Penman advised that for legal reasons they should not have any discussions in open session because of danger of litigation. The entire thrust of this Council and this City was that those traffic cameras would be placed at the most dangerous intersections and they would be placed in sequential order and that's the legal advice that was always given to the Police Department; however, based on what he has heard tonight, the City Attorney's office has no choice but to withdraw its support of this program. If there has been placement of cameras at intersections that are not considered the most dangerous intersections, we should not be doing this program.

It was the consensus of the Council that the City has lost business because of the red light cameras and they're not making the City any safer.

Council Member/Commissioner Desjardins made a motion, seconded by Council Member/Commissioner Shorett, to remove all the red lights and cameras in the City for the sake of the betterment of the community. **No vote was taken.**

Council Member/Commissioner Marquez stated that she would like to see some documentation because she believes in public safety, but rather than risk getting a ticket, she takes the side streets to avoid those intersections that have red light cameras.

Mayor/Chairman Morris stated that previously they had received documentation from the Police Department about the avoidance of major accidents at these intersections, which he believed was the rationale for this Council to move ahead.

City Attorney Penman advised that the Police Department said that it lowered head-on collisions and T-bone accidents, but there was a slight increase in rear end accidents.

Council Member/Commissioner Johnson stated that he has seen no data as to why they should do what was suggested in the staff report. He saw no justification as to why all of a sudden Baseline and Mt. Vernon is very prominent. If they could show him why, then he could go along with it. He did not see the data on Hallmark Parkway and University Parkway. He stated that he would like to see how the accidents have decreased or increased since they've installed the cameras in order to justify keeping the red light cameras. He stated that he wanted to see some rationale as to whether they should continue the program or scrap it.

City Attorney Penman stated that this is something that needs to be looked at carefully because it could get the City into some real liability difficulties. He stated that they don't know how many people may have been involved in traffic accidents at those intersections, and they don't know if there have been any fatalities. They need to see some data before they act precipitously.

Mayor/Chairman Morris stated that they have a contract and they need to honor that contract, which probably runs through the end of this fiscal year.

Council Member/Commissioner Johnson made a substitute motion, seconded by Council Member/Commissioner McCammack, that the Council be provided with data on the number of accidents occurring both before and after placement of the existing red light cameras in order to substantiate their next move. **The motion failed by the following vote: Ayes: Marquez, Johnson, McCammack. Nays: Desjardins, Brinker, Shorett, Kelley.**

Council Member/Commissioner Desjardins made a motion, seconded by Council Member/Commissioner Kelley, to wind down the current contract and direct the City Manager to come back with a set of recommendations relative to exiting the Red Light Camera Program as soon as possible. The motion carried with Johnson and McCammack voting "no."

#### **COMMUNITY DEVELOPMENT COMMISSION**

**Present:** Mayor/Chairman Morris; Council Members/Commissioners Marquez, Desjardins, Brinker, Shorett, Kelley, Johnson, McCammack; City Attorney Penman; Economic Development Agency Interim Executive Director Marzullo; City Clerk Clark.

**Absent:** None.

- R31. **Joint Public Hearing - Pine Mountain Development, LLC - Lease Agreement for a Temporary Bus Transfer Facility (Carousel Mall) (Continued from January 10, 2011)**

**Resolution of the Mayor and Common Council of the City of San Bernardino approving the sub-lease of portions of the JC Penney Tire, Battery and Automotive Center ("TBA") acquired with Tax Increment Funds and thereafter authorizing the Police Chief/City Manager to execute a Sub-Lease Agreement by and between the Redevelopment Agency of the City of San Bernardino and the City of San Bernardino Police Department for use of a portion of the TBA for a Police Substation (Central City Redevelopment Project Area). (R31A)**

**Resolution of the Mayor and Common Council of the City of San Bernardino approving and consenting to the Lease of the former JC Penney Tire, Battery and Automotive Center ("TBA") and the funding of its conversion to a temporary bus transfer facility located on 4<sup>th</sup> Street between "F" and "G" Streets and making certain findings and determinations pursuant to Health and Safety Code Section 33445.1 as to the benefit to the Southeast Industrial Project Area (Central City North Redevelopment Project Area). (R31B)**

**Resolution of the Community Development Commission of the City of San Bernardino approving and authorizing the Interim Executive Director of the Redevelopment Agency of the City of San Bernardino ("Agency") to enter into a Master Lease Agreement by and between the Agency and Pine Mountain Development, LLC, for the former JC Penney Tire, Battery and Automotive Center ("TBA") for its conversion into a temporary bus transfer facility located on 4<sup>th</sup> Street between "F" and "G" Streets (Central City North Redevelopment Project Area) and for sub-leases of the converted facility with the City of San Bernardino Police Department and Omnitrans. (R31C)**