

City of Coral Gables City Commission Meeting
Agenda Item H-5
March 28, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Deputy City Attorney, Miriam Ramos
Finance Director, Diana Gomez

Public Speaker(s)

Agenda Item H-5 [2:36:49 p.m.]

A Resolution accepting the recommendation of the Chief Procurement Officer to authorize a “piggyback” contract from the City of Aurora, Illinois with RedSpeed Florida, LLC, in the amount of \$1,404,000 over the full period of the contract, for Red Light Camera System and Services/Traffic Law Enforcement System, pursuant to Section 2-978, of the Procurement Code entitled, “Use of Other Governmental Unit Contracts (Piggybacks).” (Note: This is being recommended because RedSpeed provides a live video streaming solution not provided by the current provider).

Finance Director Gomez: Good afternoon. H-5 is a Resolution accepting the recommendation of the Chief Procurement Officer to authorize a “piggyback” contract from the City of Aurora, Illinois with RedSpeed Florida, LLC, in the amount of \$1,404,000 over the full period of the contract, for Red Light Camera System and Services/Traffic Law Enforcement System, pursuant to Section 2-978, of the Procurement Code entitled, “Use of Other Governmental Unit Contracts

(Piggybacks).” This contract has an initial term of six years from the date of installation and last for two consecutive three renewals upon mutual acceptance. It is anticipated the City will install five new cameras in the amount of \$3,900 per month per camera with an option to add license plate readers for an additional \$200 per camera. The City will continue with the five current existing cameras with our current provider of ATS, whose contract expires in November 2019. So this is just a piggyback contract in order to have five new cameras using RedSpeed who has different technology than what is currently being provided.

Mayor Cason: In the brief history it says, the cost outlined in the contract are contingent upon the revenue gained from red light camera violations. In other words, you are estimating how much revenue we’ll get and then the net would be the \$1.4?

Finance Director Gomez: So, at the end of the day, no. We will never, its revenue neutral, cost neutral, so we will not pay out if we do not receive the revenue at that location. So, we receive the revenue in and then we pay for it based on the revenue that is received. We true up and it’s a cross neutral so we don’t, we are never out for funds that we hadn’t collected.

Mayor Cason: And these particular cameras do things that the other cameras don’t do, is that correct?

Finance Director Gomez: That is my understanding. It is a video based system that you can rewind and zoom in and I can defer that to either IT or the Director for the specifics of what it can do versus other cameras.

Mayor Cason: It would be useful for people to know, because I think our other five cameras have been extremely effective in preventing people from getting a second red light violation, because they get a high fine and it saves officer time by accidents that didn’t occur. I get the checks every month, I see them, and it’s only like \$3,000, we are not making revenue, so those that say, Oh you are doing this to make revenue, we are doing it for safety and it works.

Chief Information Officer Rodulfo: Good afternoon. In the evaluation of the system we saw that they used, for example, the infrared lights, so they don’t have that white flash that the current system has. The other thing that they have is that they have a web interface where you can watch the live stream video of the cameras, because the video is high resolution, so you can go pretty much...and you can actually see the tags of the vehicles, so it has high resolution and video, on demand capabilities that the current system when we compared those, the current system didn’t have that capability.

City Attorney Leen: I have to note this just because I need to make sure you are fully informed. I'm recommending that you go forward with this. There are some legal issues; I think everyone knows about red light cameras. Every year there is an attempt in Tallahassee to have them basically, prohibit them, but that hasn't occurred as of this time. In addition, there are several pending lawsuits, it can be confusing sometimes; some of those lawsuits relate to in a major class action that exist, relates to red light programs before the...Traffic Safety Act Program. Coral Gables is a party to the class action in federal court, but that's not affected by this agreement. There are a couple lawsuits which are going up, and I believe will be going to the Supreme Court and there is a Third District Case and there is another District Court of Appeal case, which have disagreed about red light camera programs and have looked at the business rules. The Third District decision, the one that's in our district has affirmed the type of business rules that we will be using here. In addition to that, there are cases pending in County Court where Judge Leifman has been reviewing red light programs from different cities, has reviewed the one that Coral Gables has with ATS, has that been approved yet?

Deputy City Attorney Ramos: The Judge has not yet issued a ruling, heard from all the different municipalities...

City Attorney Leen: We anticipate that we believe we've shown a good case, and we anticipate that will be upheld. We may have to do that with RedSpeed as well, so the reason I'm telling you all this is, there is always a little bit of risk to these things, but the thing I can tell you about the RedSpeed agreement and they are here in the room, they've worked with us to make sure we have all the same protections that we presently get from ATS. We also, I think as the Finance Director indicated, the financial terms are better than the terms that we have with ATS, and in addition to that, we are retaining the ATS agreement, so this doesn't affect the separate ATS agreement, this is a separate agreement, but I just want to assure you that if we are sued they've agreed to defend us, which I think is important. If we end up having to pay any damages, our damages will be the receipts that we receive, not the receipts that RedSpeed receives, they will be responsible for their own receipts and my understanding is that our Finance Director is going to be keeping those funds separate just in case there is an adverse decision to protect the City. In addition to that, we believe we have a very strong legal position. We are willing, my office is willing to fight for this, we believe it's a strong legal position, the Third District, which is the binding court in this jurisdiction has supported us, so I feel very comfortable with our legal position, but I just have to make you aware there is a chance the Supreme Court could rule otherwise, there is a chance that we would have to walk away from this program at some point and the agreement addresses that as well. So, we've addressed everything that we could to lessen the City's risk here and my recommendation is that, from a legal perspective that we go forward.

Finance Director Gomez: What we are planning to do is hold those revenues, as Craig mentioned, hold those revenues aside the reserve until such time that we feel comfortable that all the legal challenges have been resolved. So obviously, we will pay the RedSpeed bill and we will send the share to the state that they need to get, but anything that is revenue to us we will hold aside and not spend.

Mayor Cason: In the meanwhile, hopefully people will stop going through red lights, they'll have fewer deaths and accidents and more time for our police to patrol neighborhoods instead of taking care of people, generally from outside the City who are involved in these things. OK. Do we have a motion on H-5?

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion, second?

Commissioner Lago: I'll second.

Mayor Cason: Commissioner Lago seconds – City Clerk.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: Thank you.

[End: 2:44:00 p.m.]