

POLICE COMMITTEE MINUTES

December 15, 2004

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 15, 2004 at 4:04 p.m.

COMMITTEE PRESENT

Kyle Jones, Chairman
Tom Rawles
Claudia Walters

COMMITTEE ABSENT

None

STAFF PRESENT

Mike Hutchinson

1. Discuss and consider recommendations pertaining to a new Police Photo Safety Services contract.

Police Chief Dennis Donna reported that at the August 30, 2004 Police Committee meeting, staff was authorized to proceed with a Request for Proposals (RFP) for a new Police Department Photo Safety Services Contract to be awarded by the City Council. He explained that staff has attempted to build some flexibility into the RFP process because they recognize that since the inception of the program, many changes have occurred with regard to the manner in which they address photo safety, as well as changes in traffic flow throughout the City. Chief Donna introduced Police Lieutenant Ben Kulina to the Committeemembers.

Lieutenant Kulina referred to the December 15, 2004 City Council Report and stated that staff is seeking direction relative to the following recommendations to expand and improve the current Photo Safety Program:

- Extend the current contract for six months.

Lieutenant Kulina commented that it would take one to six months to complete the installation of new photo safety camera equipment at the recommended intersections. He advised that the extension of the current contract with Affiliated Computer Services (ACS) would ensure uninterrupted photo safety service for Mesa during that timeframe. He added that it costs the vendor approximately \$100,000 per intersection to install the camera equipment and inductor loops and said that the Department would like to allow sufficient time for this process to take place.

- Five-year contract.

Lieutenant Kulina explained that staff anticipates it would take two years to accomplish maximum build-out of all the monitored intersections. He stated that a five-year contract would

enable the vendor to complete build-out in a cost effective manner and with minimal disruptions to the motoring public.

- Expand the number of monitored intersections from 17 to 30.

Lieutenant Kulina reported that the current photo safety contract authorizes 17 monitored intersections, most of which are located in west Mesa. He explained that because of the population shift in Mesa from Gilbert Road eastward, it may be appropriate to expand the number of monitored intersections throughout the entire City.

Lieutenant Kulina commented that the above-referenced recommendations are minimum requirements for Mesa's future photo safety contract. He noted that with advances in technology, the Committee may wish to consider the following "add-alternates" to further enhance the program's overall effectiveness:

- Speed on green.

Lieutenant Kulina reported that the Department is experiencing an increase in the number of motorists speeding through intersections on green and yellow lights and explained that year-to-date, the number of intersection-related collisions in Mesa has reached 3,369 (an estimated 52% of all the collisions within the City). He stated that "speed on green" would be an effective tool within the Photo Safety Program to reduce accidents and "slow down" drivers.

- Photo radar safety vans.

Lieutenant Kulina further indicated that each year, the Department receives over 1,000 selective enforcement complaints from citizens regarding neighborhood speeding, speeding within school zones, and various non-intersection related traffic issues. He explained that the photo radar safety vans are a more cost effective method by which to address such concerns as compared to, for example, placing a patrol officer at the same location and thereby preventing him from responding to more pressing calls. Lieutenant Kulina requested input from the Committeemembers relative to whether it would be more appropriate to continue to staff the photo radar safety vans with Police Department employees or utilize vendor employees.

- Flat Fee versus per Citation.

Lieutenant Kulina indicated that although the Department currently operates the Photo Safety Program at a deficit, in his opinion, with the advances in technology, the program should eventually become more cost effective. He explained that under the current contract, the vendor charges the City a fee per citation and that the fee (which has been negotiated as part of the contract) fluctuates and makes it difficult for the Department to predict monthly expenses. Lieutenant Kulina stated that the Federal Highway Administration red light program implementation guidelines indicate that a flat fee contract would enable staff to predict the cost of the program regardless of the number of citations issued.

- Improved Customer Service.

Lieutenant Kulina advised that the current vendor provides wet film technology, which causes delays in notifying citizens of a violation (up to 30 days). He informed the Committee that with recent technological advances, digital processing provides a more timely response time (two to

three days), higher quality pictures, and a reduction in court costs associated with disputed citations.

Discussion ensued relative to the fact that the proposed flat fee contract would allow staff to predict the cost of the program regardless of the number of citations issued; that the trend across the country is to charge a flat fee because it is more reasonable, affordable and cost effective for the Photo Safety Program; that although the flat fee contract would not necessarily eliminate the Department's \$18,000 per month deficit to operate the program, it would allow the Department to accurately predict its monthly expenses and refocus on safety concerns; and that expanding the number of photo safety monitored intersections from 17 to 30 would provide a more comprehensive traffic safety program Citywide and also generate an increased number of citations.

In response to a question from Committeemember Walters, Chief Donna clarified that staff is not seeking additional employees to man the photo radar safety vans and explained that the photo safety program currently has Department employees assigned to the unit. He stated that the Department is requesting that the vendors, during the RFP process, provide a cost analysis for four vans (one in each patrol district) to be operated by PD employees as compared to vendor personnel. Chief Donna commented that on the basis of those estimates, the Department would then determine whether or not to discontinue the use of the vans altogether. He added that in his opinion, the photo safety radar van is another component of a comprehensive photo safety program package.

Committeemember Walters expressed concerns regarding extending the new photo safety contract for an additional five-year period. She said she would not like to see the City locked into existing technology and unable to incorporate new technological advances when they become available. Committeemember Walters also questioned whether the members will know what the fiscal impact of the program would be on the City when the RFP proposals come back to the Committee for review.

In response to a series of questions from Committeemember Rawles, Lieutenant Kulina stated that the "speed on green" component would require only the addition of a computer chip to the existing camera housing at the various locations; that the current vendor is in the process of updating its equipment to accept digital film technology; and that if existing equipment was moved from one intersection to another, the vendor would incur all of the costs associated with the relocation.

Chief Donna commented that with regard to staff's recommendation to expand the number of monitored intersections from 17 to 30, in working with the Transportation Division, it was determined that increased traffic congestion is beginning to occur on the east side of the City. He explained that when the construction of the 202 freeway is completed, he anticipates that more accidents will occur at the adjacent intersections and added that staff would like the flexibility to address those needs now as opposed to in the future.

Committeemember Rawles commented that with regard to staff's recommendations, he would support extending the current contract for six months. He noted, however, that he would prefer that the new photo safety contract be established for three years, with a two-year extension, because he would not like to see the City get too far behind technologically.

Lieutenant Kulina advised that relative to the recommended five-year contract, it is anticipated that it would take two years to accomplish maximum build-out of all the monitored intersections and would be an expensive initial investment for the vendor. He explained that if the Council supported expanding the monitored intersections from 17 to 30, the photo safety program would only be fully operational throughout all 30 intersections for a short period of time. Lieutenant Kulina added that staff would like to incorporate language into the photo safety services contract stating that the vendor will be required to update any new technology into the system, such as digital film, when it becomes available.

Committeemember Rawles commented that the language referenced by Lieutenant Kulina would make him feel more comfortable with regard to the five-year contract. He noted that he is unsure what his position would be with reference to expanding the number of monitored intersections from 17 to 30 due to the increased cost to do so. Committeemember Rawles expressed support for the "speed on green" component, but stressed that with this addition, it becomes essential that the offending motorists are promptly notified of potential violations. He added that he would be willing to give the Department the flexibility it deems appropriate to address the photo radar safety van issue and also concurred with staff's recommendation for a flat fee contract. He concluded his remarks by noting that one cannot look at public safety from a purely financial standpoint, but rather as an obligation and duty of government.

Chairman Jones stated that once the Department receives the RFP proposals, he would like staff to provide the Committeemembers with a comparative analysis of the costs for the photo radar safety vans staffed with PD employees versus vendor employees. He also concurred with Committeemember Walters that until the Department moves forward with the RFP process, it would not know whether it is too cost prohibitive to expand the Photo Safety Program.

It was moved by Committeemember Rawles, seconded by Committeemember Walters, to recommend to the Council that staff be directed to prepare an RFP that includes in the document the extension of the current contract for six months; that the new photo safety contract be established for a five-year period; that the Council consider the expansion of the monitored intersections from 17 to 30; that the "speed on green" program be implemented at the intersections; that the Department be given the flexibility to assess the most effective and cost efficient manner in which to operate the photo safety radar vans; that a flat fee contract be implemented; and that the Department obtain the latest in photo safety technology to aid in the cost effectiveness of the program.

Carried unanimously.

Chairman Jones expressed appreciation to staff for the presentation.

2. Discuss and consider recommending proceeding with the construction of a new City Court building and a new Police Technical Services building using the "Construction Manager at Risk" project delivery method.

City Manager Mike Hutchinson provided a brief historical chronology of this agenda item. He reported that in recent years, discussions have ensued regarding the necessity to expand the City Court building and the Mesa Police Crime Lab, which is currently located in the basement of the building. Mr. Hutchinson advised that the location originally proposed for a new Police Technical Services building was the northeast corner of the Justice Complex located at 130 North Robson, but noted that as a result of concerns expressed by the surrounding neighbors that there would be increased traffic and building densities, it is now proposed that the facility be

located at the Justice Complex between the existing Court building and parking garage. He stated that in addition, the new City Court building would be located at the corner of First Avenue and South Pomeroy in lieu of expanding the existing facility, and the existing City Court building would be remodeled for use by the Police Department. He noted that the funding for the three projects was approved by the voters at the March 2004 City bond election (Public Safety Bonds).

Mr. Hutchinson commented that for several months, staff has conducted a comprehensive analysis of what, in their estimation, are the true costs of the projects in order to move forward. He referred to the December 13, 2004 City Council Report, copies of which were provided to the Committeemembers, which offers a breakdown of those costs. (See Attachment 1.)

Mr. Hutchinson further remarked that the City Court building is experiencing serious space constraints and stated that in his opinion, it is important that the City move forward with the construction of the new facility. He explained that when he first reviewed the proposed operational costs for the City Court building, he was concerned with the figures. He stated that he requested staff to conduct "a per court estimate," which the City has never done before, to determine if, for example, the City could not afford to add five courtrooms at one time, what the cost would be to construct one or two. Mr. Hutchinson also commented that one issue not addressed in the Council Report is the fact that additional revenue would be generated in the court operation as new courtrooms are added, but at this point in time, it is difficult to predict what those revenues would be.

Mr. Hutchinson concluded his remarks by stating that it is staff's recommendation to proceed to hire the "Construction Manager at Risk" to begin the design process on the new buildings. He stated that staff intends to provide the Committee with periodic updates throughout the process. He added that a number of staff members who have worked on this agenda item are available to respond to any questions the Committee may have.

Committeemember Rawles expressed support for moving forward with all three projects. He stated that it makes sense to locate the new Police Technical Services building next to the existing Police Department and also to complete the "Police compound" by utilizing the old City Court building.

Discussion ensued relative to the fact that the estimated cost for the design and construction of the Police Technical Services building, the new City Court building and the remodel of the existing City Court building is \$51,500,000; that the annual interest payments on debt service is estimated at \$3.1 million after all three projects are completed by fiscal year 2009/10; and that debt service would increase starting in 2025 based on pay back of principal payments on the debt note.

Committeemember Walters stated that although she is supportive of a new City Court building and the Police Technical Services building, she has significant concerns regarding this item. She recounted Financial Services Manager Bryan Raines' comments at the recent City Council retreat regarding the City's problematic financial forecast and said that she feels as though she is being asked to recommend approval of an item when she does not know where the revenue is going to come from to pay for it.

In response to Committeemember Walters' comments, Mr. Raines acknowledged her concerns and indicated that this is a long-term project scheduled to be completed in FY 2009/10. He noted that when staff begins the budget process, they obtain priorities from the City Council, the

City Manager's Office and also consider other factors such as debt service and income streams. Mr. Raines stressed that historically, public safety and transportation issues have been ranked as high priorities, and if the Council deems these projects as high priorities to move forward, staff would ensure that the costs are covered, although it may require that other City projects be postponed to a future time. He added that the costs and expenses associated with the construction of the new City Court building, the Police Technical Services building and the remodel of the existing City Court building were included in the financial forecast provided to the Councilmembers at their retreat.

Committeemember Walters reiterated that this item is extremely difficult for her, especially not knowing what projects could be postponed in order to proceed with the construction of these new buildings. She emphasized that she is supportive of the proposed projects, but stated that because she will be "termed out" from the Council in 2008, it seems unfair to "hand over" this financial burden to someone else. Committeemember Walters questioned whether all three projects must be done at one time, or if, for example, the Police Technical Services building could be constructed first.

In response to Committeemember Walters' concerns, Assistant City Engineer Peter Knudson clarified that although the City Court building and the Police Technical Services building could be constructed separately, it would create significant parking and space issues. He explained that if the City Court building was not constructed right away, a substantial number of employees would be crowded into the Justice Complex. He stated that the construction of the Police Technical Services building would also eliminate parking spaces and create an extremely congested area. Mr. Hutchinson added that staff has considered Committeemember Walters' suggestion, but determined that it is not a preferred alternative because of the elimination of parking spaces.

Committeemember Walters stated that she does not want to "hand a future Council a problem it cannot solve," but acknowledged that the matter is going to move forward to the full Council one way or another. She stated that she would like to discuss the issue further with Mr. Raines.

In response to a question from Chairman Jones regarding the design and construction schedule of the City Court building (18 months for design and 24 months for construction), Mr. Knudson explained that it is a complicated project that would include the implementation of a variety of new technology in the courtrooms and throughout the facility. He added that it is anticipated that the City magistrates, the prosecutors and various court personnel would provide input during the design process.

Chairman Jones commented that although he understands Committeemember Walters' concerns regarding finding the revenue to pay for the construction of these buildings, in his opinion, the matter needs to proceed forward to the full Council for further discussion and consideration.

It was moved by Chairman Jones, seconded by Committeemember Rawles, to recommend to the Council that staff proceed with the construction of a new City Court Building and a new Police Technical Services building using the "Construction Manager at Risk" project delivery method.

Committeemember Rawles expressed a series of comments regarding this item. He stressed the importance of the City Court building being a secure facility with regards to the transporting of prisoners; that although he appreciates Committeemember Walters' concerns regarding

where the revenues are going to come from to pay for the projects, in his opinion, he would consider public safety and court-related projects higher priorities than some others; and that he hopes the design of the City Court building would be efficient, functional and cost effective and not overly elaborate or ornate.

Committeemember Walters noted that the funding for the three projects was approved by the voters in the March bond election, but commented that she was "shocked to learn" that individuals assume that just because the voters approved the bonds for the projects, that they believe the funding is available. She suggested that it may be appropriate for the City to educate its citizens regarding municipal bonds in a more concise manner.

Upon tabulation of votes, it showed:

AYES - Jones-Rawles
NAYS - Walters

Chairman Jones declared the motion carried by majority vote.

Mr. Hutchinson introduced Paul Thomas, the City's new Court Administrator.

Mr. Thomas stated that he is pleased to be a part of the City of Mesa organization and looks forward to providing input regarding the design of the new City Court building.

Committeemember Rawles, as a practicing attorney, stated that he would be willing to volunteer his services to offer input relative to the design, flow and functions of the courtrooms.

Chairman Jones expressed appreciation to staff for the presentation.

3. Adjournment.

Without objection, the Police Committee meeting adjourned at 5:03 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Police Committee meeting of the City of Mesa, Arizona, held on the 15th day of December 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK