RESOLUTION 2018-060

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH ODIN SYSTEMS FOR THE DESIGN, PURCHASE, INSTALLATION, IMPLEMENTATION, INTEGRATION AND TESTING OF THE CITY-WIDE PUBLIC SAFETY EQUIPMENT PROJECT TO INCLUDE UP TO 56 ALPR CAMERAS AND 60 SITUATIONAL AWARENESS CAMERAS AND REPLACING THE CURRENT 3M CAMERAS TO OPERATE WITH THE VIGILANT, HAWKEYE, AND LIVE EARTH SOFTWARE AT A COST NOT TO EXCEED $2,491,335 AND TO EXECUTE RELATED SOFTWARE AGREEMENTS; (2) AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS AND DOCUMENTS TO EFFECTUATE A FOUR-YEAR LEASE FINANCING ARRANGEMENT FOR FY 2018/19 THROUGH FY 2020/21 AT A NOT-TO-EXCEED COST OF $2,608,530; (3) AUTHORIZING THE APPROPRIATION OF $1,000,000 FROM THE FY 2017/18 GENERAL FUND DESIGNATED RESERVE TO THE POLICE DEPARTMENT OPERATING BUDGET; AND (4) AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH ODIN SYSTEMS FOR ONGOING MAINTENANCE AT A YEARLY COST NOT TO EXCEED $150,000 WITH FOUR ONE-YEAR OPTIONS NOT TO EXCEED $750,000 IN TOTAL FOR A TOTAL AUTHORIZATION OF $3,358,530

WHEREAS, *City-Wide Security System* under the Public Safety Policy Area is an adopted policy item under the FY 2018-21 City Council Priority Work plan, effective November 1, 2017;

WHEREAS, in 2011, the City selected and contracted with ODIN Systems to implement a surveillance system. Since that time, ODIN Systems has designed, installed, and implemented 134 situational awareness cameras at fixed locations and 16 automated license plate reader cameras at fixed locations throughout San Pablo;

WHEREAS, pursuant to City Council Resolution 2011-058, the previous procurements through ODIN Systems received a waiver from City bidding requirements for previous project purchases because: 1) specialized services combined with equipment and products, in which the City acquires and installs equipment but must also retain specialized services for consulting on use, training, installing, maintaining, and servicing the products (San Pablo Municipal Code section 3.16.110(B); and 2) sole source agreements, given the unique software attributes discussed above (San Pablo Municipal Code section 3.16.110(C);

WHEREAS, further competitive bidding requirements may be dispensed if the public interest is better served by doing so, as where competitive bidding would not produce an advantage. *(Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631; *Los Angeles Dredging Co. v. Long Beach* (1930) 210 Cal.348.) The exception may be invoked where the product or service contracted for is of unique value and may not be obtained elsewhere *(Hodgeman v. City of San Diego (1942)* 53 Cal.App.2d 610,618);

WHEREAS, during the development of this initial project 2011, staff met with local civil rights groups and discussed any concerns from the community. Ultimately, the civil rights groups and the community recognized the value of the system as it impacted public safety and the San Pablo Police Department adopted Departmental Policy #378 – Public Safety Video Surveillance System in 2016;

WHEREAS, the City also contracted with ShotSpotter LLC to install gunshot detection software which has been enhanced to cover much of the City of San Pablo;

WHEREAS, all of this technology has been utilized to solve many investigations including homicides and shootings. This technology has positively impacted public safety as there has been a 74% reduction in gun violence as well as continued decline in overall violent crime in the City of San Pablo since 2011;

WHEREAS, the current coverage area of the situational awareness and ALPR cameras is limited to specific areas of the City;

WHEREAS, staff recommends expanding technology with an additional 60 situational awareness cameras and 56 ALPR cameras and related software integration ("City-wide Public Safety Equipment Project" or "Project"), to greatly increase the likelihood that criminal activity would be captured through technology;

WHEREAS, Live Earth software assists staff in emergency situations by aggregating critical data from multiple systems onto a single interactive map. With Live Earth, the Police Department will have the ability to view real-time data and video from many data sources to help gain instant awareness of incidents as they unfold in real time;

WHEREAS, HawkEye Effect Camera Automation system provides enhanced situational awareness during critical events. Through its Certified Integration with Milestone and ShotSpotter, the HawkEye Effect automatically provides visual verification of gunshot incidents which ensures first responders have critical information to make rapid decisions;

WHEREAS, the technology of the sixteen 3M cameras installed throughout the City has become antiquated and would require upgrades and replacement;

WHEREAS, Vigilant Solutions ALPR system provides enhanced analytical data which can be easily accessed by authorized individuals in real time, but outside agencies can only access the data with the Police Department's consent. This data greatly assists in developing more investigative leads efficiently. This technology improves upon the 3M ALPR system previously integrated;

WHEREAS, this City-Wide Public Safety Equipment Project can be exempted from City bidding requirements because: (1) specialized services combined with equipment and products, in which the City acquires and installs equipment but must also retain specialized services for consulting on use, training, installing, maintaining, and servicing the products (San Pablo Municipal Code section 3.16.110(B); and (2) sole source agreements, given the unique software attributes discussed above (San Pablo Municipal Code section 3.16.110(C);

WHEREAS, acquisition pursuant to the specialized services and equipment exception and sole source justification are met because the goods and services required to satisfy the agency's specific technological needs and product integration are only manufactured and available for purchase from ODIN Systems and the related software companies of Vigilant Solutions, Savvux Technology Solutions, and Live Earth. ODIN is the sole developer and vendor of the current design and wireless communication system network currently in place in the City of San Pablo and a consistent and integrated system is crucial to the successful deployment and maintenance of the equipment and software. The San Pablo Police Department has not been able to find another vendor to reliably deliver a combination of equipment, software integration, and service platform;

WHEREAS, on November 7, 2017, the Public Safety Standing Committee received a presentation on the City-Wide Public Safety Equipment Project and software as well its implementation. The Committee voted to receive the presentation and recommended this item be forwarded to the City Council for approval;

WHEREAS, on February 27, 2018, the Budget, Fiscal & Legislative Standing Committee received a presentation on the costs and financing of the City-Wide Public Safety Equipment Project. The Committee voted to receive the presentation and recommended this item be forwarded to the City Council for approval;

WHEREAS, on March 19, 2018, during the City Council meeting, the community raised concerns with the City-Wide Public Safety Equipment Project as it related to public safety, privacy and data sharing with federal immigration enforcement agencies;

WHEREAS, on March 26, 2018, Police Administration met with the local Chair of the ACLU Berkeley/North East Bay Chapter and shared an overview of the technology currently in place in the City of San Pablo and the positive impact to overall community safety. The ACLU representative had an opportunity to provide input and feedback regarding the direction of the project;

WHEREAS, on April 4, 2018, the Chief of Police presented a public safety strategic overview to the local San Pablo Rotary Club. This presentation outlined the benefits and success of the Police Department's public safety strategy to include: Progressive Training, Technology, and Community Policing. This presentation also included an overview of the City-Wide Public Safety Equipment enhancement project with additional ALPR and situational awareness cameras. During this meeting, members had an opportunity to provide feedback and input on the direction of the project;

WHEREAS, on April 11, 2018, the San Pablo Police Department held a public community workshop surrounding the Public Safety Equipment Project and proposed expansion, which was advertised in English and Spanish. Police Administration presented the positive impact on crime reduction with the technology strategies. A team of Vigilant executive staff attended and presented relating to their commitment to ensuring the public safety and outlining their security measures to prevent unauthorized data sharing;

WHEREAS, City staff had high-level discussions with Vigilant Solutions, a Northern California based company, about the concern of local jurisdictions regarding immigration issues and compliance with California Senate Bill 54. The President and Vice President of the company will be signing the Agreement with the liquidated damages provision to reinforce that Vigilant understands the ramifications of this issue and will not be sharing any San Pablo PD data without the consent of San Pablo PD;

WHEREAS, staff is requesting the City Council authorize the City Manager to enter into contract with ODIN Systems for City-Wide Public Safety Equipment system to include: design, purchase, install, maintain, implement, integrate, testing and warranty at a cost not to exceed $2,491,335;

WHEREAS, staff is requesting the City Council authorize the City Manager to enter into software licensing agreements related to the City-Wide Public Safety Equipment Project;

WHEREAS, staff is requesting the City Council authorize the City Manager to enter into contract with ODIN Systems for the ongoing maintenance of the City-Wide Public Safety Equipment system at an annual cost not to exceed $150,000 with four one-year options to extend at the City's discretion and if budgeted for a total contract cost not to exceed $750,000;

WHEREAS, staff concluded financing the City-wide Public Safety Equipment Project through a four-year lease at a cost of $2,608,530 provided benefits as the City could utilize the full capacity of the system with new hardware and software installed and integrated within the first year of the project. This option is preferential over funding the project in installments annually as the system would be integrated in increments with delayed benefits;

WHEREAS, staff is also requesting the City Council authorize the City Manager to execute a four-year lease agreement with Fleetwood Leasing LLC for Fiscal Years 2018/19 through FY 2020/21 for the City-wide Public Safety Equipment Project, at a total not to exceed cost of $2,608,530;

WHEREAS, the first year of the lease financing agreement will be paid in the amount of $1,000,000 with funding appropriated under the General Fund Designated Reserve. Subsequent annual payments of $536,177 will be paid in fiscal years 2018/19, 2019/20, 2020/21, with funds appropriated from General Fund Designated Reserve if available and after approval by the City Council; and

WHEREAS, the financed cost plus the annual maintenance costs put the total value of the contract at $3,358,530.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby:

1. Authorizes the City Manager to enter into an agreement for professional services with Odin Systems for the design, purchase, installation, implementation, integration and testing of an enhancement to the City-Wide Public Safety Equipment Project to include up to 56 ALPR cameras and 60 situational awareness cameras and converting current 3M Cameras to Vigilant at a cost not to exceed $2,491,335;

2. Determines that a true and very real need exists for the acquisition of the City-Wide Public Safety Equipment described on Exhibit A in the Government Obligation Contract dated as of March 20, 2018 between the City and Fleetwood Finance Leasing LLC ("Contract"), which is attached and incorporated as Exhibit A to this Resolution; and that the Contract, substantially in the form presented to the City Council, is in the best interests of the City for the acquisition of the City-wide Public Safety Equipment; and the City Council hereby approves the entering into of the Contract by the City and authorizes Matt Rodriguez, City Manager to execute the four-year lease financing Contract with a first year cost of $1,000,000 and four subsequent annual payments of $536,177 totaling a not-to-exceed amount of $2,608,530 for Fiscal Years 2018/19 through FY 2020/21 for the City-Wide Public Safety Equipment Project in substantially the same form presented; and authorizes the City Manager or designee to execute any related documents, including any Escrow Agreement, necessary to the consummation of the transaction as contemplated by the Contract;

3. Authorizes the appropriation of $1,000,000 from the FY 2017/18 GFDR earmarks for IT Systems Maintenance, Replacement, CAD/RMS, Surveillance Cameras (Resolution 2018-032) into the Police Department's FY 2017/18 budget to fund the first year cost of the project (100-2110-43600-ODI-VIG);

4. Authorizes the first year of the lease financing Contract will be paid in the amount of $1,000,000 in funding appropriated from the General Fund Designated Reserve;

5. Authorizes the City Manager to enter into an agreement for professional services with ODIN Systems for the ongoing maintenance of the City-Wide Public Safety Equipment system, at an annual cost not to exceed $150,000 and to authorize the City Manager to execute up to four one-year options to extend the maintenance agreement at the City's sole discretion and contingent upon City Council appropriation of adequate funding in the applicable fiscal year, for a total cost not to exceed $750,000;

6. Authorizes the City Manager to enter into software licensing agreements related to the City-Wide Public Safety Equipment Project;

7. Authorizes the City Manager to make modifications to the equipment and services described above, if needed, as long as within the authorized budget for the project; and

8. Authorizes the City Manager to procure additional insurance coverage, including property/casualty coverage for the equipment and rental interruption insurance.

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ADOPTED this 16th day of April, 2018, by the following vote:

AYES:	COUNCILMEMBERS:	Valdez, Cruz, Kinney and Morris
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Calloway
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

Lehny M. Corbin, Deputy City Clerk

APPROVED:

Paul V. Morris, Vice Mayor