

RESOLUTION 2019-123

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING (1) THE POLICE DEPARTMENT'S USE OF DRONES; (2) APPROPRIATION OF \$125,000 FROM SUPPLEMENTAL LAW ENFORCEMENT SERVICES GRANT REVENUES TO SPENDABLE ACCOUNTS IN THE POLICE DEPARTMENT'S GENERAL FUND BUDGET (100-2110-46300) FOR PURCHASE OF EQUIPMENT, TRAINING, AND INFRASTRUCTURE OF DRONE PROGRAM; AND (3) WAIVER OF FORMAL BID REQUIREMENTS AND AN AGREEMENT TO PURCHASE THREE US-1 DRONES FROM IMPOSSIBLE AEROSPACE AT A COST OF \$76,881 PURSUANT TO AN AGREEMENT TO BE NEGOTIATED AND APPROVED BY THE CITY MANAGER AND CITY ATTORNEY

WHEREAS, Strengthen Technological Infrastructure is an adopted Policy Item in the under the Major Policy Goal of Improve Public Safety in the FY 2019-21 City Council Priority Work plan, effective March 1, 2019;

WHEREAS, the City of San Pablo has committed to enhancing technology within the Police Department that enables staff to provide a much higher quality level of service and increased public safety;

WHEREAS, the use of drone technology has dramatically increased and proven to be a valuable tool by law enforcement;

WHEREAS, a recent study from Bard College in 2018 showed at least 910 state and local public safety agencies have established drone programs across the country. Law enforcement agencies make up two-thirds of those agencies with drone programs. In 2017, the total number of agencies with drones increased by 82 percent;

WHEREAS, the San Pablo Police Department wishes to deploy a drone program to enhance public safety and service to the community. Uses would include but not limited to: better assess the scope of a critical incident, assist search and rescue, support tactical operations, or advanced documentation of a crime or accident scene;

WHEREAS, the Federal Aviation Administration (FAA) regulates drone use from local government to support specific missions. This requires agencies to obtain either a Part-107 certification or a Certificate of Waiver or Authorization (COA).;

WHEREAS, currently the San Pablo Police Department has four certified pilots under the Part-107 certification and has received a COA certification from the FAA;

WHEREAS, most production drones can only supply a flight time of 10-30 minutes to include time to location, monitoring, and return flight home. This limited flight time is very restrictive for operations as a sample of priority-1 (immediate police response required) calls for service were found to average over forty-minutes from dispatch to call clearance;

WHEREAS, Impossible Aerospace has been selected as the drone provider due to their US-1 drone and their proprietary battery technology allowing for extended flight time in excess of one hour. This extended flight time allows staff to respond to priority calls and sufficiently monitor critical incidents without the necessity of deploying overlapping assets and compromising valuable time and resources;

WHEREAS, on June 20, 2019 the San Pablo Police Department held a public community information meeting surrounding technology and a complete overview of the proposed drone program with Impossible Aerospace. Impossible Aerospace CEO Spencer Gore was present and highlighted the US-1 drone to the community; and staff from Public Works presented on potential drone uses for their projects. Staff answered questions and addressed concerns from the community. The meeting was well attended by the public and included members from the North East Bay Area Chapter of the ACLU;

WHEREAS, on July 17, 2019, the Public Safety Standing Committee received a presentation on the proposed procurement of the US-1 from Impossible Aerospace. The Committee voted to receive the presentation and recommended to forward to City Council for formal consideration;

WHEREAS, staff recommends the procurement of three Impossible Aerospace drones be exempted from City bidding requirements because: 1) it involves 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) the unique software attributes discussed above support the use of sole source agreements (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, 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 technology needs and product integration are only developed and available for purchase from Impossible Aerospace. Impossible Aerospace is the sole developer and vendor of the US-1 drone. The San Pablo Police Department has not been able to find another vendor to reliably deliver a similar product with the ability to meet operational needs;

WHEREAS, the Supplemental Law Enforcement Services Grant is a mandated grant as defined by Government Code 30061(b)(3)(i) wherein the County shall remit at minimum \$100,000 annually to be spent on frontline law enforcement. Grant revenues have accumulated and are available for appropriation;

WHEREAS, the Police Department proposes to appropriate \$125,000 in Supplemental Law Enforcement Grant funds for the purchase of three US-1 Impossible drones and development further infrastructure to support a comprehensive drone program which will enable the Department to maximize available technology and provide greater operational efficiency;

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

- (1) The Police Department's use of drones.
- (2) Appropriation of \$125,000 from fund balance in the Supplemental Law Enforcement Services Grant Fund (210-0000-00000) to account 100-2110-46300;
- (3) Purchase of three US-1 Impossible Aerospace drones at a cost of \$76,881 pursuant to an agreement to be negotiated and approved by the City Manager and City Attorney;
- (4) Waiver of formal bidding requirements for the purchase of three US-1 Impossible drones due to (a) 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 (b) the unique software attributes discussed above support the use of sole source agreements (San Pablo Municipal Code section 3.16.110(C)).

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ADOPTED this 5th day of August, 2019, by the following vote:

AYES:	COUNCILMEMBERS:	Pineda, Xavier, Pabon-Alvarado, Cruz and Kinney
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NOES:	COUNCILMEMBERS:	None
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ABSENT:	COUNCILMEMBERS:	None
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ABSTAIN:	COUNCILMEMBERS:	None
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ATTEST:	APPROVED:
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/s/ Patricia Ponce
Patricia Ponce, City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor