

## Legislation Text

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File #: #18-098, Version: 1

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**PREPARED BY:** LT. B. BUBAR

**DATE OF MEETING:** 03/19/18

**SUBJECT:**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT 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 \$2,491,334.48; (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 \$2,608,530.13; (3) AUTHORIZING THE APPROPRIATION OF \$1,000,000 FROM THE FY2017/18 GENERAL FUND DESIGNATED RESERVE TO THE POLICE DEPARTMENT OPERATING BUDGET; AND (4) AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT 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

**CITY MANAGER RECOMMENDATION**

Adopt Resolution

**COMPLIANCE STATEMENTS**

Technology Improvements 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.

**CEQA Compliance Statement**

This proposed action is not a project under CEQA pursuant to Guidelines Section 15378(b)(2): Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making. If a project, then the Ordinance is exempt from the provisions of the California Environmental Quality Act, (CEQA), under CEQA Guidelines Section 15301 Existing Facilities; Section 15303 New Construction or Conversion of small structures; § 15061 (b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**BACKGROUND**

**Prior Procurement of Equipment**

In 2011, staff explored options to enhance public safety through technology in surveillance equipment and gunshot detection software. The Police Department selected and contracted with ODIN Systems to implement the 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 (ALPR) cameras at fixed locations throughout San Pablo. During the development of this initial project in 2011, staff met with local civil rights groups and discussed concerns from the

community. Ultimately, the civil rights groups and the community recognized the value of the system as it impacted public safety. This collaboration ultimately led to the adoption of the Police Departmental Policy #378 - Public Safety Video Surveillance System in 2016.

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. 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.

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

On February 27, 2018, the Budget, Fiscal & Legislative Standing Committee received a presentation on the costs and proposed 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.

### **City-Wide Public Safety Equipment Project**

The current coverage area of the situational awareness and ALPR cameras is limited to specific areas of the City. By expanding with an additional 60 situational awareness cameras and 56 ALPR cameras, we can overlap coverage areas to greatly increase the likelihood that criminal activity would be captured through technology. As part of this project, ODIN Systems will be responsible for coordinating and integrating software from Vigilant Solutions, Live Earth, and Hawkeye.

#### **Vigilant Solutions**

This project includes converting all 16 existing ALPR cameras from 3M to Vigilant, and installing Vigilant in the remaining 56 new ALPR locations of the project. The Vigilant Solutions ALPR system provides enhanced analytical data which can be easily accessed by investigators in real time. This data greatly assists in developing more investigative leads efficiently. Vigilant Solutions technology improves upon the ALPR system previously integrated. The existing 3M ALPR system can only be accessed through designated work stations within the Police Department. This limited access has caused delays in investigations. The Vigilant database can be accessed quickly and remotely and provides more comprehensive analytical data for investigations.

#### **Live Earth**

This project includes implementation and subscription for five years of Live Earth software. Live Earth keeps the community safer by helping the City of San Pablo make split second decisions in emergency situations by aggregating critical data from multiple systems onto a single interactive map. With Live Earth, the public safety command center will have the ability to view real-time data and video from systems like Milestone, ShotSpotter, and many other data sources. This will help first responders gain instant awareness of incidents as they unfold in real time.

Live Earth records and archives all the real-time information it displays to allow events to be rewound, played back and better understood for training and improved planning of future events. Live Earth can also help identify patterns and trends in crime and transportation that would otherwise go unnoticed. Live Earth can overlay historical data from Excel Spreadsheets and databases with real-

time data from traffic flow sensors, vehicle locations systems and more to enhance city planning, traffic management and facilitate intelligent policing.

### Hawkeye

This project includes Hawkeye/Shot Spotter PTZ integration for five years. The HawkEye Effect: Camera Automation system through Savvux Technology Solutions 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. When ShotSpotter identifies the GPS position of the gunshot, HawkEye goes into gear, telling the Milestone Video Management System to spin multiple cameras to the appropriate locations. The primary camera moves to cover the gunshot, while other cameras spin to cover potential exit points. Within seconds, first responders have “eyes-on-target” and can determine next steps - whether it be to dispatch police officers or emergency medical personnel or both. In the event of a gunshot, HawkEye ensures that first responders have the information they need to make the right decisions.

### **Procurement Procedures**

The City Council previously waived competitive bidding requirements for the purchase of surveillance cameras and related software through Odin Systems (Resolution No. 2011-058) and staff recommends that the City-Wide Public Safety Equipment Project through ODIN Systems also 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)).

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).

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.

### **Financing**

Staff is requesting the City Council to authorize the City Manager to execute a four-year lease financing agreement with Fleetwood Leasing LLC for Fiscal Years 2018/19 through 2021/22, at a total not to exceed cost of \$2,608,530.13 for the Public Safety Equipment Project.

Staff concluded that financing through lease options for the project costs (\$2,491,334.48) 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 while spreading out the payments. This option is preferential over funding the project in installments annually as the system would be integrated in increments with delayed benefits.

Staff solicited quotes for financing options for the project through two companies specializing in municipal funding: California Statewide Communities Development Authority (CSCDA) and Fleetwood Leasing LLC. Fleetwood Leasing LLC offered an optimal financing option of nominal annual interest rate of 3.88% for a total interest payment of \$117,195.65 over four years. The interest rate is affected by the fact that the City has already issued lease-revenue bonds this fiscal year. Funding for the first fiscal year of \$1,000,000 has been earmarked under the General Fund Designated Reserve (GFDR) for IT Systems Maintenance, Replacement, CAD/RMS, Surveillance Cameras (Resolution 2018-032); staff requests Council approval to appropriate that funding to the Police Department budget to fund the project. Subsequent annual payments of \$536,176.71 will be paid in fiscal years 2018/19, 2019/20 and 2020/21 pending availability of funding from GFDR and approval of funding by City Council.

The terms of the financing are set forth in the attached Government Obligation Contract. Although the City was successful in negotiating revisions to some terms; two provisions remain that hypothetically present liability to the City. First, if for some reason, the City's lease payments pursuant to this lease financing transaction are not tax-exempt, then the City would be responsible for paying the differential amount. The underlying bank, Kansas State Bank, and Fleetwood Finance Leasing LLC have indicated no reason that this should occur. Second, the Government Obligation Contract provides no remedies in the event of a default by the Bank to make payments to the vendor (Odin). Again, this scenario is not expected to occur and is likely true for any commercial financing. In addition, the City will be required to procure additional insurance coverage, including property/casualty coverage for the equipment and rental interruption insurance during the term of the Financing Agreement.

#### Local Economic Opportunity Policy

This is an ongoing City specialized contract service in effect since 2011 tied to public safety surveillance services. Thus, Local Economic Opportunity procedures were not initially taken into account. Nonetheless, in accordance with the adopted policy, should vacancies exist with Odin ("Consultant") or its subcontractors on this project, the Consultant and its subcontractors will contact the San Pablo Economic Development Corporation. Likewise, if Consultant needs a subcontractor, it will be required to contact the EDC.

#### **FISCAL IMPACT**

Staff is requesting the City Council to authorize the City Manager to execute an agreement with Odin for the Public Safety Equipment Project at a cost not to exceed \$2,491,334.48 and a lease financing agreement and related documents with Fleetwood Finance Leasing Inc. and its assigns for FY 2018/19, 2019/20, and 2020/21 at a total not to exceed cost of \$2,608,530.13, for the purchase of up to 60 situational awareness cameras, 56 ALPR cameras, converting 16 ALPR cameras from 3M to Vigilant, equipment, hardware, software, warranty, service, maintenance, training, with such financing allowing for the immediate deployment of all of the equipment.

Funding for the current fiscal year of \$1,000,000 has been allocated under the General Fund

Designated Reserve (GFDR) by Resolution 2018-032. Staff requests Council authority to appropriate that funding to the project in the Police Department's professional services account (100-2110-43600-ODI-VIG). Subsequent annual payments of \$536,176.71 will be paid in fiscal years 2018/19, 2019/20 and 2020/21 pending availability of funds in the GFDR and approval by City Council.

Staff is also requesting City Council authorize the City Manager to enter into contract with Odin System for ongoing maintenance for the City-Wide Public Safety Equipment System, not to exceed \$150,000 annually. This contract will be for one year with up to four one-year optional terms to be authorized by the City Manager at his discretion and contingent on budget availability. Initially, the Police Department will absorb the \$150,000 annual cost of this contract using the existing professional services budget (100-2110-43600). However, the Department may require a budget adjustment in future fiscal years.

In addition, the lease financing contract mandates that the City procure additional insurance coverage, including property/casualty coverage for the equipment and rental interruption insurance. These costs may simply be included with the City's 2018/19 self-insured costs through the Municipal Pooling Authority. If additional budget is needed for this additional insurance coverage, then City staff will come back at a later date for such authorization.