



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Edgardo Garcia

SUBJECT: SEE BELOW

DATE: May 4, 2020

Approved

Date

5/7/20

SUBJECT: ACTIONS RELATED TO THE BERRYESSA/NORTH SAN JOSE BART STATION LAW ENFORCEMENT SERVICES

RECOMMENDATION

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement for Supplemental Law Enforcement Support Services with the Santa Clara Valley Transportation Authority in the amount of \$4,345,697 for the initial 2-year term (on or about July 1, 2020 to June 30, 2022); and
- (b) Exercise up to 4 one-year extensions for a total not-to-exceed amount of \$13,159,156, subject to the appropriation of funds.

OUTCOME

Approval of this recommendation will allow the City Manager to negotiate and execute an agreement for the Police Department to provide law enforcement services at the Berryessa/North San José Bay Area Rapid Transit (BART) Station.

BACKGROUND

The Berryessa/North San José BART Station is one of two stations that are part of the 10-mile Berryessa Extension, the first phase of the 16-mile BART Silicon Valley extension of the regional BART system. The station is located between Berryessa and Mabury Roads, adjacent to the San José Flea Market. Construction on the facility began in 2012 and is expected to open for passenger service in 2020.

Santa Clara Valley Transportation Authority (VTA) is an independent special district that provides sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible, and promote the vitality of the region. VTA owns the infrastructure and is responsible for the Berryessa Transit Center operations which include the BART station. By 2030, VTA is projecting 25,000 daily passengers at this station with trains arriving every 7.5 minutes (Berryessa/North San José BART Station will be served by two BART lines that operate every 15-minutes). The station will have a street level concourse, above-ground boarding platform, a multi-story parking garage, and a VTA bus transit center.

ANALYSIS

On March 15, 2019, VTA released a Request for Proposals (RFP) for Supplemental Law Enforcement Support Services which sought proposals from qualified law enforcement agencies to provide supplemental law enforcement support services throughout all of VTA's properties and service areas including those connected with the BART to San José extension (Milpitas and Berryessa/North San José BART Station). After receiving approval from the City Council¹, the Police Department submitted a proposal to provide law enforcement services at the Berryessa/North San José BART Station on April 17, 2019.

The Berryessa Transit Center will have the BART Station, a street level concourse, above-ground boarding platform, a multi-story parking garage, convenient private shuttle and "Kiss-and-Ride" loading areas, an indoor bicycle storage room, and a VTA bus transit center with Express Bus service to Downtown San José. See Attachment A for all of the Berryessa Transit Center features. The campus will have freeway access from US 101/Oakland Road and I-680/Berryessa Road. The Berryessa/North San José BART Station will be an approximate 60-minute trip to San Francisco. The Department will be responsible for law enforcement services at the Berryessa Transit Center with the exception of the actual BART Station interior. BART Police will provide law enforcement services within the BART station building and the BART operating corridor. The Berryessa/North San José BART Station is projected to open for passenger service in 2020.

As a result of VTA's RFP and evaluation process, the Department was recently notified that it was awarded the contract. Approval of the recommendations in the memorandum will authorize the City Manager to negotiate and execute the agreement. The contract with VTA will have an initial period of 2 years and followed by four 1-year options at VTA's discretion. The proposed agreement will become effective upon execution which is anticipated in July 1, 2020 and the initial term will last approximately 2 years until June 30, 2022. The Department's costs to provide law enforcement services at the Berryessa Transit Center will be reimbursed by VTA. On an annual basis, the costs associated with these services will be approximately \$2.1 million, which covers the cost of 6 Police Officers, 1 Police Sergeant, and associated non-

¹ Link to City Council 4/9/2019 Agenda, Item 8.1:

<https://sanjose.legistar.com/View.ashx?M=F&ID=7132869&GUID=1F772DE4-5516-46BB-8DC9-EC08A26ABCAD>

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personal/equipment costs. The Department's staffing plan for the VTA contract includes 1.0 Police Officer on duty 24/7. This onsite staffing provides for immediate on-scene assistance as needed.

The budget actions relating to this agreement will be brought forward as part of the 2020-2021 Adopted Operating Budget process. There will be no additional costs associated with this agreement during the remainder of 2019-2020 while the station is closed.

CONCLUSION

This agreement will allow the Police Department to provide law enforcement services at the Berryessa BART station where it also has jurisdiction for the surround area. This provides a uniform response should an incident occur in the area.

EVALUATION AND FOLLOW-UP

After the execution of this agreement, staff will forward recommendations, in a Manager's Budget Addendum for City Council approval, the addition of 7 Police sworn positions to staff the Berryessa/North San Jose BART Station and recognition of the reimbursement revenues from VTA as part of the 2020-2021 Adopted Budget process.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH/INTEREST

This memorandum will be posted on the City's website for the May 19, 2020, City Council Agenda.

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney, and the City Manager's Budget Office.

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COMMISSION RECOMMENDATION/INPUT

This item does not have input from any board or commission.

COST SUMMARY/IMPLICATIONS

After the execution of the agreement with VTA, staff will bring forward separate recommendations to add 6 Police Officers, 1 Police Sergeant, and associated non-personal/equipment funding, offset by the recognition of the reimbursements by VTA, as part of a Manager's Budget Addendum for inclusion in the 2020-2021 Adopted Budget. The costs associated with the law enforcement services at the Berryessa/North San José BART Station will be reimbursed by the VTA with no net impact on the City's General Fund.

CEQA

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

/s/

EDGARDO GARCIA
Chief of Police

For questions please contact Police Captain Michael Kihmm at (408) 537-1890.

Attachment - Berryessa Transit Center Features

Berryessa Transit Center Features

