

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Edgardo Garcia

SUBJECT: VTA RFP FOR SUPPLEMENTAL
LAW ENFORCEMENT SERVICES

DATE: March 27, 2019

Approved

D. P. Syl

Date

3/29/19

COUNCIL DISTRICT: 4

RECOMMENDATION

Adopt a resolution authorizing the City Manager to submit a proposal to the Valley Transportation Authority (VTA) for Supplemental Law Enforcement Services for the Berryessa/North San Jose BART station area with costs for services to be charged competitively, including at or below full cost recovery.

OUTCOME

If the Council approves this item, the Administration will submit a proposal to the VTA to provide law enforcement services to the future Berryessa/North San Jose Bay Area Rapid Transit (BART) station area. Coverage would not include the platforms, station, or trains, which will be covered by BART police. Coverage would include the station exterior, parking lots, and surrounding VTA property.

BACKGROUND

On March 16, 2019, the VTA released a Request for Proposals for supplemental law enforcement services in three locations:

- 1) The VTA bus and light rail routes, including bus stops and light rail stations;
- 2) The future Milpitas BART station area; and
- 3) The future Berryessa/North San Jose BART station area.

Currently, VTA contracts with the Santa Clara County Sheriff to police bus and light rail routes. Responses to the Request for Proposals are due to VTA on April 16, 2019.

ANALYSIS

The Administration would like to submit a proposal for San Jose Police Department to provide law enforcement services for the future Berryessa/North San Jose BART station area. The VTA and BART are projecting that the station will open in December 2019, however, law enforcement services could begin prior to that date.

The Police Department has been developing staffing models, researching the law enforcement needs at similar BART stations throughout the system, since the VTA first issued a Request for Information for these services on October 19, 2018. The Administration analyzed this information and the Police Department's experience with policing San José neighborhoods with existing light rail and bus facilities (where the County Sheriff currently provides law enforcement services). The Administration has concluded that providing law enforcement to the Berryessa/North San Jose BART station area could be seamlessly integrated with the services currently provided to the surrounding neighborhoods.

Having one agency serve both the station environs and neighborhoods could enhance the safety for residents and businesses near the station. Additionally, having one agency would avoid duplication of services with officers from multiple agencies responding to calls at or near the station. It would also avoid potential delays should the Police Department apprehend a suspect, then need to wait for the other agency to arrive and complete the arrest.

Due to these potential efficiencies and the desire to provide the best safety model for our residents, the Administration seeks authorization to submit a proposal that may not include all items budgeted as full cost recovery. Such items may include administrative overhead or other indirect costs.

Today's item requests the Council's approval to submit a proposal. It is not seeking authorization to negotiate and execute an agreement with the VTA. Under standard government procurement processes, the agency issuing the Request for Proposals would select a winner, take the selection to its governing board for a vote, then enter into negotiations and develop a contract with the winning bidder. If the San Jose Police Department is selected, the Administration would return to Council for approval to enter into an agreement with the VTA. At that time, full details regarding budget, cost, and staffing would be provided for Council consideration.

EVALUATION AND FOLLOW-UP

Following a decision from VTA, this item will return to City Council for final approval.

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PUBLIC OUTREACH

The Police Department has reached out to other law enforcement agencies in locations where BART currently operates to learn more about their experiences with station operations and law enforcement activities.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

No commission action is related to this item.

CEQA

Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application.

/s/

EDGARDO GARCIA

Chief of Police

For questions, please contact Michael Kihmm, Police Captain, at (408) 537-1890 or michael.kihmm@sanjoseca.gov.