


Action on (1) Agreement with Superion, LLC for Residential and Business Alarm Management Software, (2) Resolution Amending the Municipal Fee Schedule, and (3) Introduction of an Ordinance Amending Chapter 8.40 of the City Code ("False Alarm Regulation")

Item # 2.G; RTC 19-809

December 10, 2019



City of Santa Clara
The Center of What's Possible

Council Consideration

- Agreement with Superion, LLC for Residential and Business Alarm Management
- Resolution Amending the Municipal Fee Schedule
- Introduction of an Ordinance Amending Chapter 8.40, False Alarm Regulation, of the City Code

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Historical Information

- California Business & Professions Code 7592.8 (originally enacted in 1982) specifically allows a City to require residential and commercial alarm owners to obtain a permit, and to enact ordinances addressing responses to false alarms
- City Council originally adopted False Alarm regulations in 1994 (Ord. No. 1653), amended substantially in 1999 (Ord. No. 1735), with minor modifications in 2008 (Ord. No. 1836), and renumbering
- The City's False Alarm regulations have existed in essentially the same form since 1999

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Chapter 8.40 of the City Code

- Municipal Code Chapter 8.40, False Alarm Regulation, exists to ensure accurate, up-to-date information for Fire or Police personnel responding to the alarmed location.
 - It also enables emergency personnel to contact responsible parties and/or alarm repair company representatives should the alarm need to be reset, has a recurring problem, or the site needs to be secured.
 - Having this information readily available allows City personnel to return to providing services to the community in a timely manner.



Technology

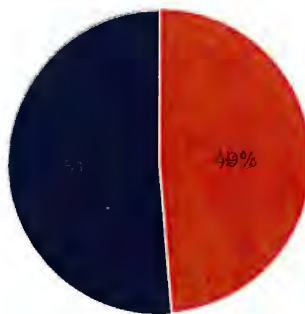
- The City's Computer Aided Dispatch (CAD) was linked to WINPACS, an alarm management software
- Like the former CAD system, WINPACS was archaic, did not provide the Police Department with technology currently available in alarm management systems and did not integrate with Hexagon CAD.
 - For example, WINPACS did not allow residents to register online, pay via credit card or provide staff with automatically generated invoices
 - Since the integration to Hexagon CAD, the Police Department has been manually managing new Residential and Business Alarm permits, renewals and bill collection

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Residential and Business Alarm Permits

9,144 Alarm Permits



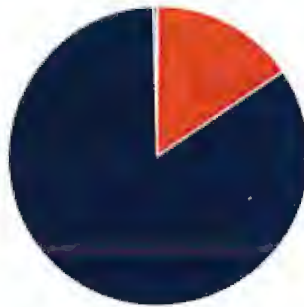
■ Residential, 4,442 ■ Business, 4,702

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Calls for Service

2,973 Alarm Related Calls for Service
January 1 – October 7, 2019



■ Cancelled while en route, 460 ■ Determined to be false upon arrival, 2,513 ■ Valid alarm calls, 15

7



Alarm Permit Revenue

Year	Revenue Collected
2015	\$51,275
2016	\$104,742
2017	\$115,466
2018	\$212,883
January – August, 2019	\$92,114

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Superion, LLC

- Superion has more California clients than any other false alarm management company
- Superion currently supports the false alarm reduction efforts in the attached California cities and counties on premise or outsource

City/County	Population	Contract Date
San Jose	1,013,000	September 2009
San Francisco	873,965	March 2009
San Diego	1,325,000	March 2009
San Bernardino	801,000	September 2007
San Jose	450,000	March 2009
San Jose	410,000	July 2008
San Jose	378,000	September 2008
San Jose	335,000	December 2008
San Jose	299,000	October 2007
San Jose	200,000	May 2007
San Jose	180,000	November 2010
San Jose	155,000	April 2008
San Jose	181,000	September 2011
San Jose	120,000	January 2010
San Jose	140,000	March 2017
San Jose	125,000	August 2015
San Jose	110,000	August 2010
San Jose	100,000	December 2004
San Jose	83,000	May 2010
San Jose	82,000	Contract pending
San Jose	82,000	June 2005
San Jose	88,000	January 2010
San Jose	85,000	July 2009
San Jose	78,000	April 2011
San Jose	75,000	August 2010
San Jose	74,000	June 2010
San Jose	69,000	August 2010
San Jose	65,000	June 2004
San Jose	55,000	December 2015
San Jose	47,000	October 2012
San Jose	28,000	September 2017
San Jose	28,000	November 2011

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Agreement with Superion, LLC

- Superion, LLC is a state-of-the-art alarm management system with the capability to be integrated into Hexagon CAD
- If approved, enhanced services to residents, business and staff will include:
 - Provide citizens and businesses with secure 24/7 online access to account information via an agency dedicated website;
 - Automatically generate notices, create invoices and calculate fees in accordance with our Municipal Fee Schedule and City Code;
 - Integrate alarm incidents, billing and accounts receivable information;
 - Fully automated interface with our Hexagon CAD system for daily transfers of alarm incident data, permit status, alarm system contacts and site hazards between CryWolf® and Hexagon;
 - Capture, track, and account for the filing and adjudication of hearings and appeals in accordance with your direction
 - Provides an administration portal for city staff to run reports in the program



Agreement System Requirements

- The Agreement with Superior, LLC meets applicable Payment Card Industry standards for confidentiality and data security
 - Services will house all data in the United States
 - Indoor and outdoor 24/7 on-site security guard at the facility
 - Badge/picture ID access screening
 - Escort requirements for access to raised floor areas
 - Logged entries for all users entering and exiting the premises
 - Perform daily back-up of the data
 - Secure Socket Layer (SSL) encryption will be utilized for transmission of personal data



Revenue Sharing Split with Superior, LLC

- Through analysis and review of the Police Department's alarm program and corresponding revenue, new fees were proposed and a revenue sharing split was negotiated
- There are no upfront costs or annual maintenance fees as part of this Agreement. Instead, Superior (24%) and the City of Santa Clara (76%) will split the estimated revenue
- The first-year revenue and expenditure estimates were included in the FY 2019/20 Adopted Operating Budget. These included proposed adjustments to Chapter 8.40 Security Alarm Systems and the Municipal Fee Schedule estimated annually at \$246,000 (or, \$186,960 to the City of Santa Clara)
- The proposal includes taking action on a three-year Agreement with Superior LLC, and authorize the City Manager to automatically renew the agreement for additional one-year periods, with a maximum of two additional one-year periods



Resolution Amending the Municipal Fee Schedule

	FY 19/20 Municipal Fee Schedule	Proposed Alarm Permit Fees
Alarm Permit (unchanged)	\$37 (one time)	\$37, plus annual renewal fee of \$15
Late Payment fee (new)	\$0	\$25
Reinstatement fee (new)	\$0	\$15
Non-Registration fine (new)	n/a	\$50
False Alarm – 1 st offense (unchanged)	\$0	\$0
False Alarm – 2 nd offense (new)	\$0	\$50
False Alarm – 3 rd offense (unchanged)	\$111	\$111
False Alarm – 4 th offense (unchanged)	\$136	\$136
False Alarm – 5 th and subsequent offenses (unchanged)	\$161	\$161
Dispatch for a Hold-Up Alarm (unchanged)	\$121, plus False Alarm fee	\$121, plus False Alarm fee

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Council Consideration

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**City of
Santa Clara**
The Center of What's Possible

AGENDA ITEM # 2G-19-809

AGENDA REPORT

Date: December 10, 2019

To: City Manager

From: Executive Assistant to the Mayor & City Council

Subject: Correspondence received regarding Item #2G on December 10, 2019 City Council Meeting Agenda

From Thursday, December 6, 2019, at 5:00 p.m., through Tuesday, December 10, 2019, at 5:00 p.m., the Mayor and City Council Offices received the attached communications regarding Item #2G-19-809 Action on (1) Agreement with Superior, LLC for Residential and Business Alarm Management Software, (2) Resolution Amending the Municipal Fee Schedule, and (3) Introduction of an Ordinance Amending Chapter 8.40 of the City Code ("False Alarm Regulation.")

Julie Minot
Executive Assistant to the
Mayor & City Council

Documents Related to this Report:
1) *Communications received*

POST MEETING MATERIAL

12/10/19

Item 26

Julie Minot

From: Michael Bierman <Csc.mb@thebiermans.net>
Sent: Friday, December 6, 2019 10:33 AM
To: Mayor and Council
Subject: Opposition to new alarm fees

Follow Up Flag: Follow up
Flag Status: Completed

Santa Clara Police have long told us that we need to take responsibility for things like taking everything out of our cars because they are unable to control to increase of car breaking and car thefts. We have also been urged to get home cameras and alarms.

I find it curious that now we will have to pay an annual fee to register our alarms. No, not curious, *infuriating*. Do not discourage people from helping them protect their homes and their neighbors in this way. This screams of a cheap attempt to get additional revenue without justification. We should be doing what we can to encourage people to secure their homes at the lowest possible cost. A one timer fee to offset the record keeping costs is one thing. A yearly registration fee is extortion.

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
michael bierman 408-692-5229 | @mbierm | <http://linkedin.com/in/michaelbierman> | <http://thebiermans.net> sent with clumsy fingers and autokorekt

For full details, [view this message on the web](#).

Sent by **Santa Clara Police Department**
601 El Camino Real, Santa Clara, CA 95050

To manage your email settings, [click here](#). To update your account settings, [login here](#).
If you prefer not to receive future emails, [unsubscribe here](#).



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12/10/19

Item 26

Julie Minot

From: Timothy Tsai <timothy@byu.net>
Sent: Friday, December 6, 2019 10:40 AM
To: Mayor and Council
Subject: Re: Community Message: Changes Proposed to Residential and Business Alarm Permit Program

Follow Up Flag: Follow up
Flag Status: Flagged

Sorry, one more question:

What does "the public will receive enhanced service to include: * Ability to track registered and unregistered alarm systems" mean? Will the public (including those with and without alarm systems) be able to see this information, or will public access be limited to those with registered alarm systems. Will the publicly available information include the list of who has an alarm system and who doesn't, or will this information be provided to the public on an aggregated and anonymized basis?

Thanks,
Tim

On Fri, Dec 6, 2019 at 10:34 AM Timothy Tsai <timothy@byu.net> wrote:
Hi,

I had a few questions about the proposed changes to the Residential and Business Alarm Permit Program:

Would the false alarm fines continue to be assessed per year? For example, for a situation with one false alarm in one year and another false alarm in the subsequent year, would the latter be counted as a first or second false alarm based on the fee schedule?

What is a "hold-up alarm"? Is this any alarm where the police are dispatched to the location?

Would there be support to automatic charging of credit cards on an annual basis?

Thanks,
Tim

----- Forwarded message -----

From: Santa Clara Police Department <santa-clara-police-department@emails.nixle.com>
Date: Fri, Dec 6, 2019 at 9:50 AM
Subject: Community Message: Changes Proposed to Residential and Business Alarm Permit Program
To: <timothy@byu.net>

Message sent via Nixle | [Go to nixle.com](https://www.nixle.com) | [Unsubscribe](#)



Santa Clara Police Department



Community: Changes Proposed to Residential and Business Alarm Permit Program

Dear Nixle User,

The City Council will be considering an item on December 10, 2019, to have a third-party vendor manage the Residential and Business Alarm Permit program.

The City Code (Chapter 8.40, "False Alarm Regulation") requires residents and business with an alarm to acquire a permit to ensure accurate, up-to-date information is readily available to Police or Fire personnel responding to the alarmed location. It also enables emergency personnel to contact responsible parties and/or alarm repair company representatives should the alarm need to be reset, has a recurring problem, or respond to the site should it need to be secured.



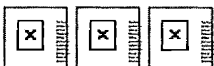
If approved as proposed, the public will receive enhanced service to include:

- * Ability to track registered and unregistered alarm systems
- * Secure online access to account
- * Ability to pay online via credit card
- * Automatically generate notices and send invoices

In addition, the City of Santa Clara will benefit from operational efficiencies, improved availability of metrics and an increase in revenue.

Changes to the Municipal Fee Schedule are highlighted in the attached graphic.

Citizen participation at City Council meetings is encouraged, or email MayorandCouncil@santaclaraca.gov. Complete agenda packets, with back-up reports, are available at www.santaclaraca.gov, at City libraries or the City Clerk's Office beginning the Friday prior to the Tuesday meeting. A summary of the Council action is available the Thursday following the meeting at the City Clerk's Office and online.



On Fri, Dec 6, 2019 at 10:33 AM Michael Bierman <Csc.mb@thebiermans.net> wrote:

Santa Clara Police have long told us that we need to take responsibility for things like taking everything out of our cars because they are unable to control to increase of car breaking and car thefts. We have also been urged to get home cameras and alarms.

I find it curious that now we will have to pay an annual fee to register our alarms. No, not curious, *infuriating*. Do not discourage people from helping them protect their homes and their neighbors in this way. This screams of a cheap attempt to get additional revenue without justification. We should be doing what we can to encourage people to secure their homes at the lowest possible cost. A one timer fee to offset the record keeping costs is one thing. A yearly registration fee is extortion.

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12/10/19

Item 26

Julie Minot

From: Andrey Tabachnik <seifeet@me.com>
Sent: Friday, December 6, 2019 10:44 AM
To: Mayor and Council
Subject: Hello

Follow Up Flag: Follow up
Flag Status: Completed

Sorry but I don't think this proposal will benefit our city.

Thank you

https://nextdoor.com/post/131431281?init_source=copy_link_share



I think it is a bad idea to charge an annual fee for an alarm. If anything the city should sponsor it. Alarms will deter burglaries and save city many. This is a really bad proposal. By the way I personally do not have an alarm but I am worried about the consequences of this proposal. It is better to have 10 false alarms than one real burglary that will traumatize the household and will cost thousands of tax-payer dollars to investigate.

12/10/2019

Item 2 G

Julie Minot

From: Michael Bierman <Csc.mb@thebiermans.net>
Sent: Friday, December 6, 2019 12:45 PM
To: Mayor and Council
Subject: Re: Opposition to new alarm fees

Follow Up Flag: Follow up
Flag Status: Completed

I don't usually do this, but I want to follow up on this because it is so out of character with how well I usually see our city run.

Today 12/6, a message was posted on Nextdoor about the upcoming meeting about the changes to alarm fees referenced below 12/10. This was the first I heard of this despite having an alarm permit for our home which requires contact information. All citizens should have had more notice but certainly those who would be affected should have been.

A few problems with this:

1. No time or place for the meeting was provided either in this original posting or on the City Council web site (that I could find.)
2. The meeting was announced just 4 days before it will take place.
3. I went to the site where we can leave comments and was told, "The SpeakUp site is recently launched. Please come back in a few days to Participate." In other words, after the vote has happened I can leave comments. Terrific.

I was assured by Office of the Chief of Police Community Engagement how much our input is valued, but this process shows no sign of that. It looks very much like this change is being pushed through quickly so that it will have little to no opposition. It seems that feedback is blocked at almost every turn. That is not what I expect from our elected officials.

In response to a lively nextdoor discussion, the Office of the Chief of Police Community Engagement claimed that the reason for the annual increase is not to recover the actual costs of storing the information, etc (which by any measure are insignificant) but to recover the costs of false alarms. I don't know the number of false alarms that are reported annually, but I do appreciate how they waste precious resources. The thing is, the new rate schedule does not increase false alarm costs at all. So, this reasoning is curious, if not disingenuous.

Summary:

1. As citizens, we trust you to decide the most efficient way to do the work of the city. If a third party is best, so be it.
2. Feedback and communication is severely broken and must be improved. If the intention here is to ram through an unpopular proposal, the process has tainted your intentions.
3. This proposal will discourage something that benefits all citizens. Alarms help police respond in time to put criminals where they belong. This includes robberies, burglaries, and sexual assaults. By adding annual fees, you can only discourage some people from putting in monitored alarms which are far more effective than no alarm or a self-monitored type. The costs of catching a criminal in the act vs having to file reports and search for them later far outweigh the \$15 you are going to get annually. This is a penny wise, pound foolish proposal and the annual renewal fee should be dropped.

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City of Santa Clara



City of Santa Clara

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12/10/19

Item 2G

Julie Minot

From: David Tay <davidtay@sbcglobal.net>
Sent: Friday, December 6, 2019 1:35 PM
To: Mayor and Council
Subject: Proposed changes to alarm registration

Follow Up Flag: Follow up
Flag Status: Flagged

Given the housing price, density, insecurity (break ins, package theft,...) increases in Santa Clara, wouldn't it follow that

1. There will be more calls for law enforcement
2. There are increased revenues from taxes collected

Why then is there a need for further fees?

At the same time, how will the lack of security be addressed in tangible/ measurable ways?

If the police response is lacking or perceived to be lacking would it not follow that the residents take action on their own - ranging from leaving, voting against, funding alternatives,..., demonstrations/ riots,...

There are ample global examples of how things could turn out - Hong Kong,

Once initiated, the cycle of distrust is difficult to break.

David

On the move

12/10/19

Item 2G

Julie Minot

From: Jean Burkley-Molina <jeanburkleymolina@gmail.com>
Sent: Friday, December 6, 2019 8:19 PM
To: Mayor and Council
Subject: Residential alarm permit program

Does the newly-proposed item for review affect my relationship with SimpliSafe? I am a widow, living on Social Security and certainly do not need any more expensive rules. The present system is working just fine. In addition, I give the city about \$8,500 in taxes per year and would hope upon hope that amount would be sufficient.

Jean Burkley-Molina
1135 Maryann Drive

Sent from my iPad

12/10/19

Item 26

Julie Minot

From: Joel Wiesner <joel@wiesneronline.com>
Sent: Saturday, December 7, 2019 12:30 PM
To: Mayor and Council
Subject: Proposed Annual Renewal Fee for Alarm Permits

I want to register my opposition to your proposed annual renewal fee for an alarm permit.
This is clearly a blatant attempt to raise money which will not benefit residents of the city in any way.

I have registered my permit.
There is no maintenance required by the police dept for maintaining the registry.
Why charge a fee?

Your stated "enhanced services" will provide me, a resident with an alarm, with NO benefits:

What advantage do I get by having the "ability to track registered and unregistered alarm systems"?
NONE

Why would "secure access to account" benefit me if I did not need to pay a useless annual renewal fee?
NONE

Why would my "ability to pay online with a credit card" benefit me if there were no useless annual renewal fee?
IT WOULD NOT

Why would the ability to "Automatically generate notices and send invoices" benefit me?
IT WOULD NOT

Please do not approve this transparent attempt to generate income for a third party vendor at the expense of Santa Clara residents with no benefit.

Our taxes support our police department and they should be sufficient.

As an alternative, if I have not persuaded you, I suggest you eliminate the Alarm Permit.

A Santa Clara resident since 1972,

Joel Wiesner
179 Arcadia Ave

If you want to talk to me, I can be reached at 408-348-6251

12/10/19

Item 2G

Julie Minot

From: 1hmyers1@comcast.net
Sent: Sunday, December 8, 2019 9:42 PM
To: Mayor and Council
Subject: Changes Proposed to Residential and Business Alarm Permit Program

Madam Mayor, Council members, and staff,

When I chose to get a monitored alarm system and a permit over 3 years ago one thing I found attractive was no monthly fee.

Now I am told that to increase efficiency the PD is going to outsource this service and the increased efficiency will cost me \$15/yr. This is called a renewal fee. My permit does not expire so why do I need to renew it?

If some action were needed to update the file such as changing alarm company I could understand a fee, but just setting there?

And the false alarm is more strict and expensive. Also, no doubt, as a result of the increased efficiency.

There was no public outreach in time for people to comment or arrange to attend the meeting. (I have a previous commitment this Tue, as it turns out.)

I will be disappointed if this is not at least postponed if not rejected outright.

Certainly more people need to know about this. It is likely to discourage the use of alarms in general and certainly any that notify emergency services.

Thank you,

Howard Myers
1398 Las Palmas Dr
Santa Clara, CA
95051
408 316-2391

12/10/19

Item 26

Julie Minot

From: Michael Bierman <Csc.mb@thebiermans.net>
Sent: Tuesday, December 10, 2019 1:20 PM
To: Mayor and Council
Subject: Re: Opposition to new alarm fees

The discussion on Nextdoor has continued and one more very important item has come up that I think is important to raise aside from the concern I raised previously about the annual fees.

I am concerned by the data security measures of the Contractor.

The Office of the Chief of Police Community Engagement shared that the proposed Agreement with Superion, LLC meets the City of Santa Clara's payment card security standards, which includes but is not limited to:

- Services will house all data in the United States
- Indoor and outdoor 24/7 on-site security guard at the facility
- Badge/picture ID access screening
- Escort requirements for access to raised floor areas
- Logged entries for all users entering and exiting the premises
- Perform daily back-up of the data
- Secure Socket Layer (SSL) encryption will be utilized for transmission of personal data

All of these are a good start, of course. But they don't speak to the most likely threat: some kind of data breach. Reviewing the proposed contract, I see the following:

"Contractor will not be liable for damages proximately caused by the criminal actions of third parties or for damages caused by the sole negligence or willful misconduct of any third parties." so if a data breach occurs, the contractor could not be held responsible even if they were negligent in securing our data. If the City were sued, we all would pay the costs of a data breach in addition to the risks associated with stolen personal data. Data breaches are now commonplace. Malware often extorts cities to pay great sums in order to restore their data so this isn't an outlandish possibility. It seems to me that this issue should be covered in a contract with any Contractor.

Thank you,

Michael Bierman

On Fri, Dec 6, 2019 at 12:45 PM Michael Bierman <Csc.mb@thebiermans.net> wrote:

I don't usually do this, but I want to follow up on this because it is so out of character with how well I usually see our city run.

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