Legislation Details (With Text)

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Title:	Action on Approval of Amendment No. 4 to the Agreement with the California Highway Patrol [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]		
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Attachments:	1. State of California Standard Agreement, 2. RTC 18-562 with Agreement Amendments No. 1, 2 and 3, 3. Standard Agreement Amendment No. 4, 4. POST MEETING MATERIAL, 5. Agenda Report, 6. Agenda Report		

Date	Ver.	Action By	Action	Result
6/23/2020	1	Council and Authorities Concurrent Meeting	Approved	

REPORT TO COUNCIL

SUBJECT

Action on Approval of Amendment No. 4 to the Agreement with the California Highway Patrol [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

BACKGROUND

On May 6, 2014, the City Council approved a standard agreement with the California Highway Patrol (CHP) for traffic management and support services provided by the CHP for special events at Levi's Stadium. CHP duties may include traffic management, air operations, SWAT, bicycle patrol, and crowd control. The City has agreed to indemnify and defend the State for claims resulting from injury or damage *caused by City employees* only. The term of the original agreement was July 1, 2014 through June 30, 2016, totaling $1,724,811. When this agreement was initially established, the Police Department estimated 23 events that would require CHP services.

On July 14, 2015, Amendment No. 1 increased the funding of the original agreement by $1,000,000 to $2,724,811 over the same term to address the increase in events over the preliminary projection. The City Council approved the amendment to address the revised projection of 45 events scheduled during the contract period.

On July 19, 2016, the City Council approved Amendment No. 2 to extend the term of the agreement with the CHP for an additional 24 months, retroactive to June 30, 2016 and extending through June 30, 2018. Amendment No. 2 increased the agreement by $1,700,000, for a total not to exceed amount of $4,424,811.

On June 12, 2018, the City Council approved Amendment No. 3 to extend the term of the agreement with CHP from July 1, 2018 through June 30, 2020. Amendment No. 3 added $1,500,000 for a

maximum amount not to exceed $5,924,811.

Thus far, the costs associated with the CHP's services at the Stadium have been reimbursed to the City in accordance with Measure J. However, the 49ers have initiated litigation against the Stadium Authority, claiming that they have overpaid for public safety related expenses at NFL events, and are demanding reimbursement.

DISCUSSION

Levi's Stadium has been the host to 120 public events with attendance of 20,000+ since the opening in August 2014.

As the lead law enforcement agency, the Santa Clara Police Department (Department) secures local, State and federal resources, as necessary, to mitigate traffic congestion for event patrons and local traffic, provide a safe venue for attendees, performers and stadium personnel as well as prevent intrusion into neighborhoods while maintaining access to adjacent business properties.

The CHP has been an essential public safety partner in the implementation of the traffic plan for Levi's Stadium. Since 2014, CHP has provided vehicles, radios, personnel and other necessary equipment to provide critical services for Highway 101 and Route 237, which they have jurisdiction over. In addition, CHP is also instrumental in helping the Police Department obtain threat intelligence information.

The number of CHP personnel necessary to implement the traffic plan varies according to the event type, day and time, anticipated attendance, dignitaries present, intelligence gathered and potential threat(s). The CHP contract allows for its' employees to be paid their hourly wage from their home station to their return to the home station, including mileage. In Fiscal Year 2019/20, the average CHP cost was $62,000 for the 13 events CHP has billed the City for to date; CHP invoices have not yet been received for the last three (3) events of the Fiscal Year.

Amendment No. 4 extends the term of the agreement for traffic management and support related services from June 30, 2020 to June 30, 2022 and adds $2,500,000 for a total not to exceed $8,424,811. All other terms and conditions will remain the same.

At the time of this report, the following major events are planned through this calendar year. However, as a result of COVID-19, a Health Order to shelter-in-place order has been issued by the Santa Clara County Public Health Department through May 31, 2020. It is unknown how COVID-19 will impact the current event schedule, fan attendance and/or how many postponed or new events may be secured over the proposed contract term.

Regardless, the Department is responsible to implement security measures, and corresponding contingency plans, in anticipation of the events currently planned at Levi's Stadium. To accomplish this task, the Department needs to take into consideration the necessary approvals that need to take place with our law enforcement partners.

DATE	EVENT
April 4, 2020 - POSTPONED *	Monster Jam
April 25, 2020 - POSTPONED *	BTS Map of the Soul Tour
April 26, 2020 - POSTPONED *	BTS Map of the Soul Tour

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May 22, 2020 - POSTPONED *	Justin Bieber Changes Tour
August 20 - 24, TBD	Pre-Season Football San Francisco 49ers vs Las Vegas Raiders
September 3 -4, TBD	Pre-Season Football San Francisco 49ers vs San Diego Chargers
Sunday, September 13 at 1:25 p.m.	San Francisco 49ers vs Arizona Cardinals
Sunday, October 4 at 5:20 p.m.	San Francisco 49ers vs Philadelphia Eagles
Sunday, October 11 at 1:05 p.m.	San Francisco 49ers vs Miami Dolphins
Sunday, October 18 at 5:20 p.m.	San Francisco 49ers vs. Los Angeles Rams
Thursday, November 5 at 5:20 p.m.	San Francisco 49ers vs Green Bay Packers
Monday, December 7 at 5:15 p.m.	San Francisco 49ers vs Buffalo Bills
Sunday, December 13 at 1:25 p.m.	San Francisco 49ers vs Washington Redskins
Sunday, January 3 at 1:25 p.m.	San Francisco 49ers vs Seattle Seahawks

**As a result of COVID-19 and the Santa Clara County Public Health Department's Health Order several Levi's Stadium events were postponed until further notice.*

Per Measure J, all public safety costs associated with Levi's Stadium, including specialized law enforcement services provided via Agreement, are to be reimbursed to the City by the 49ers and Stadium Authority.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

Amendment No. 4 adds $2,500,000, for a maximum amount not to exceed $8,424,811 and will allow the CHP to continue to provide necessary traffic management and related support services for Levi's Stadium.

COORDINATION

This report was coordinated with the Finance Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov>.

RECOMMENDATION

Action on Approval of Amendment No. 4 to the Agreement with the California Highway Patrol in the amount of $2,500,000, for a total not to exceed amount of $8,424,811, and extending the term of the agreement to June 30, 2022, for traffic management and support services for special events at Levi's

Stadium.

Reviewed by: Daniel Winter, Assistant Chief of Police
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. State of California Standard Agreement
2. Report to Council #18-562 with Agreement Amendments No. 1, 2 and 3
3. State of California Standard Agreement Amendment No. 4