

**RESOLUTION NO. 23-9239**

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,  
AUTHORIZING THE USE OF CITY ELECTRIC FORCES  
PURSUANT TO CHARTER SECTION 1310**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, the City of Santa Clara’s Charter section 1310 requires all contracts involving an expenditure of over \$1,000 for the construction or improvement (excluding maintenance and repair) of a public works project to be let to the lowest responsible bidder;

**WHEREAS**, Charter section 1310 permits the City of Santa Clara (“City” or “City of Santa Clara”) to use its own employees if the City Council, by motion passed by at least four affirmative votes, determines that the public works may be done better or more economically by the City’s own employees, and, upon such determination, the City may proceed to have the public works project completed without further observance of Charter section 1310;

**WHEREAS**, the City’s Electric Department desires to perform certain public works, as set forth in the Report to Council, dated June 27, 2023, by its own employees; and,

**WHEREAS**, the City’s Electric Department has presented evidence supporting that the work in question may be performed better or more economically by the City with its own employees.


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**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. The City Council of the City of Santa Clara does hereby declare and determine that the public works project set forth in the 23-687 Report to Council, attached hereto and incorporated by this reference, may be performed better or more economically by the City with its own employees.
2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27<sup>TH</sup> DAY OF JUNE, 2023, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:   
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

- Attachments incorporated by reference:
1. June 27, 2023, Report to Council No. 23-687



## Agenda Report

23-687

Agenda Date: 6/27/2023

### REPORT TO COUNCIL

#### SUBJECT

Action on a Resolution Authorizing the Use of City Electric Forces at Various Locations

#### COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

#### BACKGROUND

Section 1310 of the Santa Clara City Charter, entitled Contracts on Public Works states “that every contract involving an expenditure of more than one thousand dollars (\$1,000) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder.” The section further states that “the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after the adoption of a resolution to this effect by at least four affirmative votes, it may proceed to have said work done in the manner stated, without further observance of the provisions of this section.”

#### DISCUSSION

Staff believes that the work described below is best and most efficiently performed with City forces based upon the following factors: (1) the work is limited in size and scope; (2) City forces have knowledge and training in operating and maintaining the electric system that can be leveraged to more economically perform this work; and (3) bidding out the work and contracting with a private entity would not likely result in a lower overall cost or time savings. Therefore, staff recommends that the City Council make a finding that City forces can better perform the installation of the following electric facilities and approve the use of City forces.

Estimate Number: 38703  
Location: 2300 Calle de Luna  
Type of Service: New Business  
Description of Work: Install ±200' high voltage conductor, 6-600 A termination elbows, 30-600 A splices.  
Estimated Cost: \$115,747  
Appropriation: Electric Utility Capital Fund (591) Project 2005 - New Business Estimate Work  
Source of Revenue: Customer/Developer Contribution

Estimate Number: 37286  
Location: 2920 Scott Boulevard  
Type of Service: New Business  
Description of Work: Relocation of an existing padmount electrical transformer.

Estimated Cost: \$37,663  
Appropriation: Electric Utility Capital Fund (591) Project 2005 - New Business Estimate Work  
Source of Revenue: Customer/Developer Contribution

### **ENVIRONMENTAL REVIEW**

Staff recommends that the City Council determine that the actions being considered are exempt from the California Environmental Quality Act ("CEQA") pursuant to the following sections of Title 14 of the California Code of Regulations: (1) section 15302(c) (Class 2 - Replacement or Reconstruction) as the proposed work involves the replacement or reconstruction of existing utility systems and/or facilities involving negligible expansion of capacity, and (2) section 15303 (Class 3 - New Construction or Conversion of Small Structures) as the proposed work involves the construction of a limited number of small electric utility facilities.

### **FISCAL IMPACT**

The funds to support the staff time for work performed by SVP and related construction materials for the work detailed in this report, totaling \$153,410 are included in the Fiscal Year 2022/23 Capital Budget, New Business Estimate Work project in the Electric Utility Capital Fund. All referenced work will be performed with City Silicon Valley Power staff. Some work associated with encroachment permits may be performed by the Department of Public Works (DPW). DPW costs are recovered through payment of permit fees.

### **COORDINATION**

This report has been 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) or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Determine the proposed actions are exempt from CEQA pursuant to Sections 15302 (c) and 15303 of Title 14 of the California Code of Regulations and adopt a Resolution authorizing the use of City Electric Forces for work detailed in this Report to Council located at 2300 Calle de Luna and 2920 Scott Boulevard.

Reviewed by: Manuel Pineda, Chief Electric Utility Officer

Approved by: Jōvan D. Grogan, City Manager

### **ATTACHMENTS**

1. Resolution - Use of City Electric Forces