

**AMENDMENT NO. 3
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WILSON, IHRIG & ASSOCIATES**

PREAMBLE

This agreement (“Amendment No. 3”) is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Wilson, Ihrig & Associates, a California corporation, (Contractor). City and Contractor may be referred to individually as a “Party” or collectively as the “Parties” or the “Parties to this Agreement.”

RECITALS

- A. The Parties previously entered into an agreement entitled “Agreement for Professional Services”, dated February 14, 2017 (the “Original Agreement”); and
- B. The Original Agreement was previously amended by Amendment No. 1, dated December 8, 2017, and Amendment No. 2, dated August 28, 2019, and is again amended by this Amendment No. 3. The Original Agreement and all previous amendments are collectively referred to herein as the “Original Agreement as Amended”; and
- C. The Parties entered into the Original Agreement for the purpose of having Contractor provide noise monitoring services at Levi’s Stadium, and the Parties now wish to amend the Original Agreement as Amended to extend the term of the Agreement.

The Parties agree as follows:

AGREEMENT TERMS AND CONDITIONS

- 1. The termination date defined in Section 2 of the Original Agreement as Amended, entitled “Term of Agreement,” is hereby amended to reflect a revised termination date of September 30, 2021.
- 2. Except as set forth herein, all other terms and conditions of the Original Agreement as Amended shall remain in full force and effect. In case of a conflict in the terms of the Original Agreement as Amended and this Amendment No. 3, the provisions of this Amendment No. 3 shall control.
- 3. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 3 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

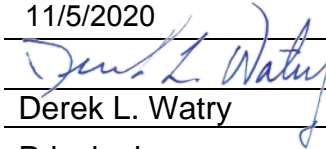
Dated: _____

BRIAN DOYLE
City Attorney

DEANNA J. SANTANA
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

“CITY”

WILSON, IHRIG & ASSOCIATES
a California corporation

Dated: 11/5/2020
By (Signature): 
Name: Derek L. Watry
Title: Principal
Principal Place of Business Address: 6001 Shellmound Street, Suite 400
Emeryville, CA 94608
Email Address: ~~dwatry@wiai.com~~ dwatry@wilsonihrig.com
Telephone: (510) 658-6719
Fax: (510) 652-4441
“CONTRACTOR”

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Agenda Report

20-873

Agenda Date: 10/13/2020

REPORT TO COUNCIL

SUBJECT

Action on Amendment No. 3 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Levi's Stadium [Council Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium]

BACKGROUND

On August 30, 2016, in response to complaints from residents about noise emanating from the San Francisco 49er's football practices, the City Council directed staff to establish a noise monitoring system for Levi's Stadium and training facility.

Following Council direction, the City solicited bids from acoustic engineers and after receiving three proposals, entered into an agreement on February 7, 2017 with Wilson, Ihrig & Associates to provide noise monitoring services at Levi's Stadium. Since that time the consultant has implemented a noise monitoring program that includes four noise monitoring stations as well as a comprehensive website (https://seti-media.com/infopopulation/levis_stadium/) that provides reporting information from the monitors as well as a portal for residents to issue noise complaints. The contract covers the ongoing cost to rent noise monitoring equipment from the consultant and maintenance of the website.

In August 2018, Council approved Amendment No. 2 to this agreement which added \$150,000 to the Agreement and extended the contract term through the August 31, 2020.

DISCUSSION

The agreement with Wilson, Ihrig & Associates has run its term but still has funds available to continue services through September 2021. Due to staffing constraints and current workload of staff, this amendment did not get processed in time to be extended prior to the expiration date. Amending the existing agreement to extend the term will allow the funding to be utilized to continue the noise monitoring program to allow ongoing use of the existing monitors to verify compliance with City permits and provide continuity for data collection to support policy making over the long-term. Most of the contract cost occurred at the beginning of the contract for installation of the equipment and creation of the monitoring website. The primary ongoing cost is the equipment rental fees.

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(a) as it has no potential for resulting in either a direct physical change in the environment, or as a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

Amendment No. 3 does not change the not-to-exceed valuation of \$249,840. Funds for this

agreement are available in the Stadium Authority budget.

COORDINATION

This report has been coordinated with the Finance Department, City Attorney's Office, and City Manager'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

Authorize the City Manager to execute Amendment No. 3 to the Agreement with Wilson, Ihrig & Associates to reflect a revised termination date of September 30, 2021, subject to annual appropriations, to continue conducting noise monitoring of Levi's Stadium and the 49ers practice facility for total cost not to exceed \$249,840 over the life of the agreement.

Reviewed by: Andrew Crabtree, Director, Community Development Department

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Amendment No. 3 to the Agreement with Wilson, Ihrig & Associates
2. Amendment No. 2 to the Agreement with Wilson, Ihrig & Associates
3. Amendment No. 1 to the Agreement with Wilson, Ihrig & Associates
4. Original Agreement with Wilson, Ihrig & Associates