



Agenda Report

21-1143

Agenda Date: 9/7/2021

REPORT TO COUNCIL

SUBJECT

Action on Amendment No. 4 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Levi's Stadium

COUNCIL PILLAR

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 December 2017, Amendment 1 was executed to extend the term of the Agreement by twelve months ending on December 31, 2018.

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

In October 2020, Council approved Amendment No. 3 to this agreement to extend the term of the Agreement thru September 30, 2021, with no additional funding.

DISCUSSION

The agreement with Wilson, Ihrig & Associates is nearing its expiration date. While funding was approved in the Stadium Authority Budget for Fiscal Year 2021/2022, these funds have not been tied into the existing agreement. Amendment four will extend the term by 18 months and align the contract with the Stadium Authority fiscal year allowing the allocated funding to be utilized to continue the noise monitoring program for 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. Much of the contract cost occurred at the beginning of the contract for installation of the equipment and creation of the monitoring website. The primary recurring costs are the equipment rental fees costing approximately \$45,000 dollars annually.

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. 4 increases the not to exceed amount of the contract by \$100,000 for a total of \$349,840. Of these added funds, \$50,000 is available in the Fiscal Year 2021/2022 Stadium Authority budget while the remaining \$50,000 is subject to the Santa Clara Stadium Authority Board appropriation of funds in the 2022/2023 Fiscal Year.

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

1. Authorize the City Manager to execute Amendment No. 4 with Wilson, Ihrig & Associates to extend the term of the Agreement by 18 months ending on March 30, 2023, and increase maximum compensation by \$100,000 for a total not to exceed amount of \$349,840, subject to Santa Clara Stadium Authority Board appropriation of funds; and
2. Authorize the City Manager to execute additional amendments to extend the term of the Agreement for as long as the noise monitoring system is operable, and increase maximum compensation as required to fund the extension(s), subject to the Santa Clara Stadium Authority Board appropriation of funds.

Reviewed by: Andrew Crabtree, Director, Community Development Department

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Amendment No. 4 to the Agreement with Wilson, Ihrig & Associates
2. Amendment No. 3 to the Agreement with Wilson, Ihrig & Associates, RTC 20-873
3. Amendment No. 2 to the Agreement with Wilson, Ihrig & Associates, RTC 18-1093
4. Amendment No. 1 to the Agreement with Wilson, Ihrig & Associates
5. Original Agreement with Wilson, Ihrig & Associates with Agenda Report