

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW:

(1) APPROVING A MIDYEAR CAPITAL IMPROVEMENT PROGRAM PROJECT: SOLAR ARRAYS AT THE MOUNTAIN VIEW SENIOR CENTER, MOUNTAIN VIEW SPORTS PAVILION, AND WHISMAN SPORTS CENTER (“PROJECT SITES”); (2) TRANSFERRING AND APPROPRIATING \$750,000 TO FUND THE PROJECT; (3) AWARDED AN ENERGY SERVICES CONTRACT TO SYSERCO ENERGY SOLUTIONS, INC., FOR THE DESIGN AND INSTALLATION OF SOLAR ARRAYS AT THE PROJECT SITES FOR A TOTAL AMOUNT NOT TO EXCEED \$5,944,803; (4) FINDING THAT THE PROJECT COLLECTIVELY AND EACH PROJECT SITE INDIVIDUALLY, MEET THE REQUIREMENTS OF CALIFORNIA GOVERNMENT CODE SECTION 4217.12; AND (5) FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT AS CLASS 1, EXISTING FACILITIES UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301 AND ON A SEPARATE AND INDEPENDENT BASIS IS EXEMPT AS CLASS 3, CONSTRUCTION OF SMALL STRUCTURES, UNDER CEQA GUIDELINES SECTION 15301

WHEREAS, the Senior Center, Mountain View Sports Pavilion, and Whisman Sports Center provide public services to the community; and

WHEREAS, the City of Mountain View (“City”) desires to optimize electrical utility use with clean electricity by installing solar arrays; and

WHEREAS, in April 2024, the City applied for California’s Net Metering Program 2.0 (NEM 2.0) to reserve solar production incentives at various City facilities, including the Senior Center, Mountain View Sports Pavilion, and Whisman Sports Center; and

WHEREAS, NEM 2.0 projects must be completed by April 2026; and

WHEREAS, the Mountain View Sports Pavilion and Whisman Sports Center are jointly operated and maintained by the City and the Mountain View Whisman School District (“School District”) under a Joint Use Agreement; and

WHEREAS, on April 18, 2024, the School District’s Board directed staff to work with the City to install the solar arrays at the Mountain View Sports Pavilion and Whisman Sports Center; and

WHEREAS, under the Joint Use Agreement, the District would cover half the cost of the solar array at the Whisman Sports Center as utility costs are split 50/50; and

WHEREAS, construction projects involving school facilities require Division of the State Architect review, which would make it challenging to meet the NEM 2.0 April 2026 completion date; and

WHEREAS, the City would receive \$1,527,418 from the Inflation Reduction Act Federal Investment Tax Credit known as the Direct Pay program for government agencies; and

WHEREAS, the City applied for a \$15 million grant from the Environmental Protection Agency on March 26, 2024 to install solar and implement other decarbonization activities at the gymnasiums and will be notified in October 2024 if the City is to receive the grant; and

WHEREAS, the City and Syserco mutually agree on a limited Notice to Proceed to fund \$750,000 for project design until additional budget appropriations are made after receiving notification from the Environmental Protection Agency regarding the grant award and approval from the Division of the State Architect to proceed with installing the solar array at the gymnasiums; and

WHEREAS, the City currently has \$250,000 budgeted within the Sustainability Action Plan for this project and needs to appropriate an additional \$500,000 from the Construction/Conveyance Tax Fund; and

WHEREAS, to simplify and expediate the installation of the solar arrays and achieve cost savings, staff recommends using a streamlined contracting approach allowed by California Government Code Section 4217.10, *et seq.*; and

WHEREAS, as required by California Government Code Section 4217.12, certain findings must be made by the City Council at a regularly scheduled public hearing that demonstrate: (1) the energy project is in the best interest of the City; and (2) the anticipated cost to the City for the electrical energy provided by the solar array system under the contract will be less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence of the solar array system; and

WHEREAS, on June 25, 2024, the City Council held a public hearing, public notice of which was given at least two weeks in advance as required by California Government Code Section 4217.12, to consider the energy service contract; and

WHEREAS, the energy savings of \$9.86 million resulting from the project is in the best interest of the City and is greater than the project cost of \$5.94 million; and

WHEREAS, the proposed approval of the energy services contract to install the solar arrays is a "Project" for purposes of the California Environmental Quality Act ("CEQA"); and

WHEREAS, the Guidelines for CEQA, California Code of Regulations Title 14, Chapter 13 ("State CEQA Guidelines"), exempt certain projects from further CEQA evaluation, including the

following: (1) projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing use ("Class 1 Exemption"; Cal. Code Regs., tit. 14, § 15301); (2) projects consisting of the new construction or conversion of small structures ("Class 3 Exemption"; Cal. Code Regs., tit. 14, § 15303); (3) projects consisting of the construction or placement of minor accessory structures to existing facilities ("Class 11 Exemption"; Cal. Code Regs., tit. 14, § 15311); and (4) projects consisting of minor additions to existing schools ("Class 14 Exemption"; Cal. Code Regs., tit. 14, § 15314), and the Project is categorically exempt under one or more of such exemptions; and

WHEREAS, the Project does not involve any of the following and is eligible for a categorical exemption as described above under CEQA Guidelines Section 15300.2: (a) the cumulative impact of successive projects of the same type in the same place, which, over time, are significant; (b) an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances; (c) a project which may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway; (d) a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and (e) a project which may cause a substantial adverse change in the significance of a historical resource; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View does hereby approve a midyear Capital Improvement Program project, Solar Array at the Mountain View Senior Center, Mountain View Sports Pavilion, and Whisman Sports Center; and be it

FURTHER RESOLVED: that \$500,000 shall be transferred and appropriated from the Construction/Conveyance Tax Fund and \$250,000 shall be transferred and appropriated from General Non-Operating funds from Sustainability Projects, Project 20-99, to the fund the project for a total of \$750,000; and be it

FURTHER RESOLVED: that the City Council of the City of Mountain View determines and finds, pursuant to California Government Code Section 4217.12, that the installation of solar array systems at the Mountain View Senior Center, Mountain View Sports Pavilion, and Whisman Sports Center and award of an energy services contract with Syserco Energy Solutions, Inc., is in the best interest of the City; and be it

FURTHER RESOLVED: that the anticipated cost to the City for electrical energy provided by the solar array systems will be less than the anticipated marginal cost to the City for thermal, electrical, or other energy that would have been consumed by the City in the absence of solar array system, resulting in utility cost savings of \$9,866,039 over 20 years; and be it

FURTHER RESOLVED: that the City Council of the City of Mountain View does hereby award an energy services contract to Syserco Energy Solutions, Inc. a California corporation

(Entity No. 3594200), for the design and installation of solar array systems at the Mountain View Senior Center, Mountain View Sports Pavilion, and Whisman Sports Center for an amount not to exceed \$5,944,803, including a \$775,408 contingency, and authorizing the City Manager or designee to execute the contract with Syserco Energy Solutions, Inc.; and be it

FURTHER RESOLVED: that the City Council of the City of Mountain View does hereby find that the Project is categorically exempt as Class 1, Existing Facilities under the California Environmental Quality Act Guidelines Section 15301, and on a separate and independent basis is exempt as Class 3, Construction of Small Structures, under the California Environmental Quality Act Guidelines Section 15301.
