



Agenda Report

21-851

Agenda Date: 6/22/2021

REPORT TO COUNCIL

SUBJECT

Action on a Written Petition submitted by Robert Mezzetti, II Requesting to Discuss Amendment No. 3 to the Exclusive Negotiation Agreement by and between the City, VTA and Republic Metropolitan an LLC for the proposed project located at 500 S. Benton Street (APN 230-08-061 and 230-08-078)

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

Council Policy 030 - *Adding an Item on the Agenda* (Attachment 1) sets forth the procedure for written petitions. Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the Council. Per the policy, the written request will be submitted on the agenda, in the form substantially provided by the requestor, without any staff analysis, including fiscal review, legal review, and policy review. If a simple majority of the City Council supports further study of the request, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council.

DISCUSSION

The City Clerk's Office has received a Written Petition for Council consideration from Robert Mezzetti, II, dated April 28, 2021 (Attachment 1) requesting to discuss Amendment No. 3 to the Exclusive Negotiations Agreement (ENA) by and between the City, VTA and Republic Metropolitan an LLC for the proposed project located at 500 S. Benton Street (APN 230-08-061 and 230-08-078). This item was withdrawn by the petitioner from the May 25, 2021 Council agenda. On Wednesday, June 9, 2021 the petitioner requested to resubmit his written petition.

The ENA for the proposed project was a no-bid three-party agreement between Republic Metropolitan (Developer), Santa Clara Valley Transportation Authority (VTA), and the City of Santa Clara. The ENA was entered into on February 26, 2018 and expired as of August 5, 2020. As the ENA is expired and there is no longer an effective contract, an amendment is not possible. In addition, any next steps for the development site would require the concurrence of VTA as a partial owner of the overall project site.

If Council is interested in pursuing development of this property, the next step would be for the Council to analyze potential uses of the site given the location of active City well, as well as an appropriate public and competitive process for offering the development opportunity. VTA staff have advised City staff that VTA is pursuing a study of the Station area as well, and believes the prudent course of action is for VTA to complete the study prior to any further discussion of a long term development of its property. Following any Council policy decision to change the existing use of the property and pursue development, the City would be required to follow the procedures described in

the California Surplus Land Act (Government Code section 54220 et seq.). Because amendment of the previous ENA is not possible, staff does not recommend placing this item on a future agenda.

FISCAL IMPACT

There is no fiscal impact associated with considering the request to be placed on a future agenda except for staff time.

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 a administrative activity that will not result in direct or indirect physical changes to the environment.

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 report to council may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

ALTERNATIVES

1. Set a future Council meeting date to take action on the Written Petition received.
2. Take no action on the petition and do not place this item on a future agenda.
3. Any other City Council Action, as determined by the City Council.

RECOMMENDATION

That Council take no action on the petition and do not place the item on a future agenda.

Reviewed by: Nora Pimentel, Assistant City Clerk

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Policy and Procedure 030 - Adding an Item on the Agenda
2. Written Petition dated April 28, 2021 from Robert Mezzetti, II
3. November 12, 2020 letter to Republic Metropolitan
4. Post Meeting Material from May 25, 2021