



Agenda Report

21-881

Agenda Date: 7/13/2021

REPORT TO COUNCIL

SUBJECT

Action on Amendments to Two Professional Service Agreements for the Related Santa Clara Development Project Increasing the Total Contract Amount with Milstone Geotechnical Consulting Services and Robert E. Van Heuit

COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

BACKGROUND

The Related Santa Clara project (formerly known as City Place) is a 9.1 million square foot development on a former all-purpose landfill site. There are various local and state agencies that are charged with the oversight of a closed landfill. City staff and Related Santa Clara (Developer) have been working closely with these agencies to secure necessary approvals and permits to allow for the future construction of the project. One such agency is the County Department of Environmental Health who acts as the Local Enforcement Agency (LEA) on the closed landfill. The LEA has been reviewing technical plans associated with structural elements of the Related Santa Clara project as well as potential impacts to the condition of the landfill and gas collection system which may result from the development.

The Related Santa Clara project is a complex, multi-faceted development project that requires significant technical expertise beyond City and other regulatory agencies' staff knowledge on matters related to the landfill as well as disciplines in other areas.

At the request of the LEA, the City has entered into several third-party consulting agreements with the LEA's preferred consultants to assist LEA with their work associated with the Related Santa Clara Development Project. ***These contracts are funded by Related Santa Clara (Developer), through advances provided to the City as required by the June 2016 Disposition and Development Agreement.*** The requested action is for an increase in total contract amounts for two professional service agreements.

DISCUSSION

Barry Milstone DBA Milstone Geotechnical - Amendment No. 4

On January 23, 2019, the City entered into an Agreement for Services with Barry Milstone DBA Milstone Geotechnical (Milstone Geotechnical) for a total contract amount of \$70,000 to provide technical advice and assistance to the Santa Clara County Department of Environmental Health (LEA) for its review of the project on behalf of the City. The original agreement was amended by Amendment No. 1, dated November 7, 2019, and further amended by Amendment No. 2, dated December 10, 2019 and Amendment No. 3, dated February 9, 2021. Each of these amendments

extended the term of the agreement.

Milstone Geotechnical has been providing technical advice and assistance to the LEA with oversight of the landfill for its review of the Related Santa Clara project. Working closely with Robert Van Heuit, the scope of work includes environmental review of permit applications, landfill closure plan, site development plans, and other information as necessary to evaluate and prepare plan review documents for submission to the County.

Approval of Amendment No. 4 to the Agreement would allow the City to continue to access the Contractor's services for the benefit of the LEA by increasing the total contract amount by \$50,000 to \$120,000.

Robert E. Van Heuit - Amendment No. 3 to the Amended and Restated Agreement

Robert Van Heuit provides technical expertise to the LEA in coordination with Milstone Geotechnical as necessary to review the Related Santa Clara project. On June 2, 2015, the City entered into an Agreement for Services with Robert E. Van Heuit (Van Heuit) to assist the County with its review of the project. The scope of work includes environmental review of permit applications, landfill closure plan, site development plans, and other information as necessary to evaluate and prepare plan review documents for submission to the County.

Over the years, several amendments to the Agreement have been executed extending the term and increasing the total contract amount. The various amendments necessitated the current Amended and Restated Agreement, approved by City Council on September 18, 2018, which restated the agreement to capture the previous amendments, extended the term through December 31, 2019 and increased the maximum not-to-exceed amount from \$90,000 to \$170,000. Amendment No. 1 to the Amended and Restated Agreement was executed on October 31, 2019, which extended the term through December 31, 2020 and increased the contract amount by \$80,000 for a total not to exceed about of \$250,000. Amendment No. 2 to the Amended and Restated Agreement was executed on January 20, 2021, which extended the term through December 31, 2021.

The scope of work as requested by the County LEA is not yet complete and additional services are needed. The County continues to review and comment on plans submitted by the Developer. Approvals from the LEA and other State regulatory agencies are necessary to allow for the construction of the project. As the project and review process has been complex, final approvals have not been obtained. Approval of Amendment No. 3 to the Amended and Restated Agreement would allow the City to continue to access the Contractor's services for benefit of the County by increasing the total contract amount by \$50,000 to \$300,000.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of a California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

The current contract with the Milstone Geotechnical to provide technical advice and assistance to the County as the Local Enforcement Agency with oversight of the landfill for its review of the Related Santa Clara project has a total not-to-exceed amount of \$70,000. The proposed Amendment

increases the contract amount by \$50,000, for a maximum amount not-to-exceed \$120,000. This contract is funded by the Developer, Related Santa Clara, through advances provided to the City as required by the Related Development Agreement.

The current contract with Van Heuit to provide technical advice and assistance to the County for its review of the project on behalf of the City has a total not-to-exceed amount of \$250,000. The proposed Amendment increases the contract amount by \$50,000, for a maximum amount not-to-exceed \$300,000. This contract is funded by the Developer, Related Santa Clara, through advances provided to the City as required by the Related Development Agreement.

COORDINATION

This report has been coordinated with the 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>>.

RECOMMENDATION

Approve and authorize the City Manager to execute:

1. Amendment No. 4 with Barry Milstone DBA Milstone Geotechnical Consulting Services for the Related Santa Clara Development Project to increase the total contract amount to \$120,000.
2. Amendment No. 3 to Amended and Restated Agreement with Robert E. Van Heuit for Consulting Services for the Related Santa Clara Development Project to increase the total contract amount to \$300,000.

Reviewed by: Ruth Mizobe Shikada, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Amendment No. 4 with Barry Milstone DBA Milstone Geotechnical Consulting Services
2. Amendment No. 3 to Amended and Restated Agreement with Robert E. Van Heuit