



## Agenda Report

18-846

Agenda Date: 9/18/2018

### REPORT TO COUNCIL

#### SUBJECT

Action on Amended and Restated Agreement with Robert E. Van Heuit for Environmental Consulting Services on the CityPlace Santa Clara Project

#### BACKGROUND

The CityPlace project site (currently being used as Santa Clara Golf & Tennis), is a former all-purpose landfill site. As a former landfill site, the City and the Developer have been working with local and state agencies with regulatory interests in the project site to secure the necessary approvals for the CityPlace development. One of those agencies is the County of Santa Clara Department of Environmental Health (DEH).

DEH, acting as the Solid Waste Local Enforcement Agency (LEA), required the City, as the owner of the landfill and applicant for the CityPlace development, to retain a qualified independent consultant to provide third party technical advice and assistance to the LEA for its review of the project.

On June 2, 2015, a Professional Services agreement was executed with Robert E. Van Heuit to provide the LEA with assistance in review of all landfill project documents and to coordinate with the LEA's third party geo-technical consultant. The original contract amount was \$25,000. Over the past three years, several amendments to the Agreement have been executed extending the term and increasing the total contract amount. The current agreement expires as of October 31, 2018 and has a total not to exceed limit of \$90,000. Approval of the recommended action would extend the term to December 31, 2019 and increase the total contract amount to \$170,000.

#### DISCUSSION

Robert Van Heuit has provided important technical advice and services to the LEA in its review of the CityPlace project. Without this technical assistance, it would be extremely difficult for the LEA, City and Related to review and secure necessary approvals for the development.

The scope of services includes environmental review of permit applications; landfill closure plan; site development plans; project documents, including plans, specifications, and geotechnical investigation materials; and other information as necessary for the County LEA's review of the CityPlace project.

#### 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 a reasonably foreseeable indirect physical change in the environment.

**FISCAL IMPACT**

The current contract with Robert E. Van Heuit for environmental consulting services related to the City Place project has a total not to exceed amount of \$90,000. The proposed Agreement increases the contract amount by \$80,000, for a maximum amount not to exceed of \$170,000. This contract is funded by the CityPlace developer, Related, through advances provided to the City as required by the CityPlace Development Agreement.

**COORDINATION**

This report has been coordinated with the Finance Department and 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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Approve the Amended and Restated Agreement with Robert E. Van Heuit for Environmental Review Services Related to the CityPlace Santa Clara project in an amount not to exceed \$170,000.

Reviewed by: Ruth Shikada, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Amended and Restated Agreement with Robert E. Van Heuit