



Agenda Report

19-1096

Agenda Date: 10/22/2019

REPORT TO COUNCIL

SUBJECT

Action on Amendment No. 1 to the Amended and Restated Agreement for Services with Robert E. Van Heuit, for consulting services associated with the Related Santa Clara Development Project

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 in order to secure necessary approvals and permits to allow for the future construction of the project.

As a former landfill site, agencies lack the technical expertise necessary to review a complex project like Related Santa Clara. On June 2, 2015, the City entered into an Agreement for Services with Robert E. Van Heuit (Contractor) to provide technical advice and assistance to the Santa Clara County Department of Environmental Health (County) for its review of the project on behalf of the City. 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.

DISCUSSION

Contractor has been providing 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. 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.

The contract is set to expire on December 31, 2019. The scope of work is not yet complete and additional services are needed. Approval of Amendment No. 1 to the Amended and Restated Agreement would allow the City to continue to access the Contractor's services for the scope by extending the term through December 31, 2020 and by increasing the contract amount by \$80,000.

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 Contractor 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 \$170,000. The proposed Amendment increases the contract amount by \$80,000, for a maximum amount not-to-exceed \$250,000. 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 Finance Department and 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>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve and authorize the City Manager to execute Amendment No. 1 to the Amended and Restated Agreement with Robert E. Van Heuit to extend the term to December 31, 2020 and increase compensation by \$80,000 for a revised not-to-exceed compensation amount of \$250,000 for technical advice and assistance to the Santa Clara County Department of Environmental Health (County) for its review of the Related Santa Clara project.

Reviewed by: Ruth Shikada, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Amendment No. 1 to Amended and Restated Agreement