

**REPORT TO MAYOR AND COUNCIL
SITTING AS THE LOCAL REUSE AUTHORITY****TO THE HONORABLE MAYOR AND COUNCIL
SITTING AS THE LOCAL REUSE AUTHORITY:**

DATE: July 8, 2014

SUBJECT: APPROVAL OF AN AMENDMENT TO THE MASTER AGREEMENT FOR PROFESSIONAL SERVICES ASSOCIATED WITH PREPARATION OF SITE WIDE PERMITS FOR SENSITIVE HABITAT AND SPECIES ON THE CONCORD NAVAL WEAPONS STATION WITH H. T. HARVEY & ASSOCIATES (HTH), NOT TO EXCEED \$65,000. FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE AUTHORITY (LRA) FROM THE GENERAL FUND. TOTAL FUNDING SINCE 2009 IS \$386,593.

Report in Brief

Staff is recommending that the Local Reuse Authority (LRA) approve an amendment to the Master Agreement for Professional Services with H. T. Harvey and Associates (HTH) to continue support preparation of technical studies required to support site wide permits for sensitive habitat and species on the Concord Naval Weapons Station (CNWS). Staff recommends that the contract be amended in the amount of \$65,000. Funding will be provided through a loan to the LRA from the General Fund that was approved and appropriated as part of the adoption of the FY 2014/2015 budget. The loan will be repaid, with interest, from land sales or leases within the former Concord Naval Weapons Station (CNWS). The agreement will cover a performance period of July 1, 2014 to June 30, 2015. Total funding since 2009, including this amendment, is \$386,593. Funding was provided by the City's Redevelopment Agency (\$134,860), the General Fund (\$103,000) and state grants (\$148,733).

Background

Adopting the City's Preferred Alternative as the Reuse Plan was a major work effort for the LRA. During adoption hearings in February, staff reviewed with the LRA and community stakeholders the proposed strategy to secure a set of site wide permits to help guide implementation of the Reuse Plan and mitigation programs in the Final Environmental Impact Report (FEIR). The LRA requires the specialized services of restoration ecologists to support technical studies and agency negotiations. HTH has been involved in the project since 2009 and has developed the mitigation and mitigation monitoring requirements associated with sensitive habitat and species for the Area Plan.

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HTH will provide ecological consulting services to prepare the conceptual restoration elements of the wetland and riparian habitats.

H. T. Harvey & Associates' restoration ecologists and restoration landscape architects will work closely with the rest of the project team to ensure the maximum wetland and riparian habitat values can be created with the site's soil and hydrologic limitations while ensuring the design concepts are constructible and cost effective. Their scope is also integral to a scope of services being executed by H. Phillip Williams & Associates, a subsidiary of Engineering Science Associates (PWA/ESA) for a Conceptual Flood Management Plan.

Discussion

The tasks associated with this scope of services are as follows:

Task 1. Data Collection

H. T. Harvey & Associates will collect hydrologic and hydraulic data associated with wetland delineation and flow for the two major wetland features near Willow Pass and Olivera Roads. The data collection will support enhancement and restoration studies as part of the LRA's permitting efforts with the U.S. Army Corp of Engineers (USACOE) and state/federal wildlife agencies.

Task 2. Conceptual Plan Preparation

A conceptual plan has been prepared that summarizes the habitat restoration elements of the project. This plan was developed jointly by H. T. Harvey & Associates restoration ecologists and landscape architects and PWA/ESA to ensure a well thought out biological basis for the design and a presentation of information that will fit seamlessly into the future development of detailed plans, specifications and estimates in the next phase of project planning. This plan will require refinements as a result of consultation with the U.S. Fish and Wildlife Services (USFWS) under Section 7 of the Endangered Species Act (ESA).

In addition to the design coordination with the associated hydrology and geomorphology elements of the project, H. T. Harvey will provide support to design team members to coordinate the habitat restoration elements into the planning for public access, utilities, and other infrastructure that may interface with the restoration areas. This will include coordination as noted below with the East Bay Regional Park District (EBRPD).

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Task 3. Project Coordination

H. T. Harvey & Associates will meet and coordinate regularly with other project team members to ensure that the habitat restoration elements developed for the project meet the project's goals and objectives and fit within the post-construction hydrologic and geomorphic conditions in Diablo Creek and the wetland mitigation site. Particular emphasis will be coordination with the EBRPD on restoration locations, compatibility with EBRPD land use and mitigation implementation and program maintenance.

Fiscal Impact

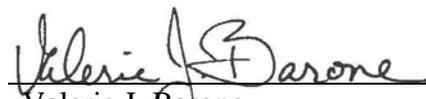
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Public Contact

Agenda has been posted in accordance with legal requirements.

Recommendation for Action

Staff recommends the LRA approve the Master Services Agreement for Professional Services with H. T. Harvey & Associates in a total amount of \$65,000; and authorize the Executive Director of the LRA to execute the agreement.



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Local Reuse Authority
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**AMENDMENT TO
MASTER AGREEMENT FOR PROFESSIONAL SERVICES**

This Amendment to Agreement is entered into on July 1, 2014 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and H. T. Harvey & Associates (“CONSULTANT”) and is the amendment to a Master Agreement dated July 24, 2013, referenced as the City’s document No. 5290.

WHEREAS, the CITY and CONSULTANT entered into an agreement dated July 24, 2013 for services in connection sensitive habitat and species on the Concord Naval Weapons Station; and

WHEREAS, the parties hereto desire to amend the agreement to extend the term of the contract and provide for additional compensation; and

NOW, THEREFORE, in consideration of the promises and conditions set forth herein, the parties mutually agree as follows:

Section 1. Section 5, COMPENSATION, is amended to read as follows:

SECTION 5 - COMPENSATION

5. COMPENSATION

With this amendment to the original agreement of July 24, 2013, the CONSULTANT shall be compensated in the additional amount of \$65,000, for a total amount of the General Fund loan not to exceed **\$386,593** for basic services rendered, as more particularly described in Exhibit A of the original agreement, in accordance with the terms and conditions included therein.

CONSULTANT may submit monthly statements for services rendered. It is intended that payments to CONSULTANT will be made by CITY within thirty (30) days of receipt of invoice.

SECTION 6 - TERM

6. TERM

The term of this Agreement, as amended, shall be from July 1, 2014 to June 30, 2015 unless earlier terminated in accordance with the terms of the Agreement.

Except as expressly amended herein all terms and conditions of the Agreement dated July 24, 2013 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to Agreement the day and year written above.

CONSULTANT

Dated

By: _____
Stephen C. Rottenborn, Ph. D
Principal

CITY OF CONCORD

Dated

By: _____
Michael W. Wright
Executive Director
Local Reuse Authority

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk