

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

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

DATE: September 23, 2014

SUBJECT: APPROVAL OF AN AMENDMENT TO THE MASTER SERVICES AGREEMENT IN THE AMOUNT OF \$10,000 WITH JOHNSON MARIGOT CONSULTING, LLC FOR CONCORD COMMUNITY REUSE PROJECT DISPOSITION AND DEVELOPMENT REGULATORY SUPPORT SERVICES. FUNDING WILL BE PROVIDED BY A GRANT FROM THE OFFICE OF ECONOMIC ADJUSTMENT (OEA) TOTAL FUNDING SINCE 2014 - \$15,000

Report in Brief

Staff is requesting approval of an amendment to the Master Services Agreement with Johnson Marigot Consulting, LLC (Johnson Marigot) to provide regulatory support services for site wide permitting for the Local Reuse Authority (LRA) in an amount not to exceed \$10,000. Mr. Cameron Johnson provides specialized regulatory support services associated with the Endangered Species Act (Section 7) and the Clean Water Act (Section 404). Mr. Johnson brings specific specialized expertise in working with permit applications before the U.S. Army Corps of Engineers (USACOE).

Background

Mr. Johnson has been involved with the Concord project since 2012 when he was serving as the USACOE San Francisco District Supervisor. Mr. Johnson has been in private practice since 2013 and brings a strong background with both Federal and state wildlife and water quality agencies. He also has a strong working relationship with Ebbin Moser and Skaggs, outside special counsel supporting the LRA on biologic resource permits.

Discussion

The Executive Director of the LRA recommends the City Council sitting as the LRA authorize an amendment to the Master Professional Services Agreement with Johnson Marigot for an amount not to exceed \$10,000. This amendment will provide Mr. Johnson's on-call services related to LRA BRAC and development activities. Among these activities will be:

- Supporting the LRA in meetings with the U.S. Fish and Wildlife Service and the USACOE.
- EDC disposition strategies.

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- Support of the LRA in meetings with state regulators for wildlife and water quality.
- Review of documents/strategies on resource protection/enhancement within the conversation area transferred to the EBRPD.
- Support in development of endowment strategies for site wide mitigation programs.

Fiscal Impact

Staff is requesting the LRA approve an amendment to the Master Professional Services Agreement in an amount not to exceed \$10,000. Funding will be provided from a grant from the OEA. The grant was accepted and appropriated by the City Council sitting as the LRA on August 26, 2014. The amendment will cover a performance period of September 1, 2014 to August 31, 2015.

Public Comment

Notice of this meeting has been posted. Mr. Johnson has received a copy of the staff report.

Recommendation for Action

Authorize the LRA Executive Director to execute an amendment to the Master Professional Services Agreement with Johnson Marigot Consulting, LLC to provide professional services related to the Concord Community Reuse Project, not to exceed \$10,000.



Scott P. Johnson

Assistant City Manager

Scott.johnson@cityofconcord.org

Prepared by: Michael W. Wright
Executive Director
Local Reuse Authority

Attachment 1: Amendment with Johnson Marigot Consulting, LLC

**AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES**

This Amendment to Agreement is entered into on September 24, 2014 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Johnson Marigot Consulting LLC (“CONSULTANT”) and is the first amendment to an Administrative Agreement dated July 1, 2014 referenced as the City’s document No. 5338.

WHEREAS, the CITY and CONSULTANT entered into an agreement dated July 1, 2014 for services assisting the Local Reuse Authority (LRA) in connection with LRA BRAC activities for the Concord Naval Weapons Station in the amount of \$5,000; and

WHEREAS, the parties hereto desire to amend the agreement to provide additional professional services in connection with the preparation of the reuse plan and to extend the term and provide for additional compensation therefore.

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

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

SECTION 5 - COMPENSATION

5. COMPENSATION

With this amendment to the original agreement of July 1, 2014 as amended on September 24, 2014, the CONSULTANT shall be compensated in the additional amount of \$10,000 for basic services rendered, as more particularly described in Attachment 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 2. Section 6, TERM, is amended to read as follows:

SECTION 6 - TERM

6. TERM

The term of this Agreement, as amended, shall be from September 1, 2014 extending the term ending date to August 31, 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 1, 2014 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: _____
Cameron Johnson

CITY OF CONCORD

Dated

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

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk