

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

DATE: February 24, 2015

**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 \$35,000. TOTAL FUNDING SINCE 2009 IS \$421,593.**

**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 \$35,000. 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 as amended on January 27, 2015. 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 January 1, 2015 to June 30, 2015. Total funding since 2009, including this amendment, is \$421,593. Funding was provided by the City's Redevelopment Agency (\$134,860), the General Fund (\$103,000) and state grants (\$148,733).

**Background**

The LRA and community stakeholders have a proposed strategy to secure a set of site wide permits to help guide implementation of the Area 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. HTH will provide ecological consulting services to prepare the conceptual restoration elements of the wetland and riparian habitats.

**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 \$35,000.  
TOTAL FUNDING SINCE 2009 IS \$421,593.**

February 24, 2015

Page 2

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 Engineering Science Associates (ESA) for a Conceptual Flood Management Plan and wetland protection programs

**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).

**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

**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 \$35,000.  
TOTAL FUNDING SINCE 2009 IS \$421,593.**

February 24, 2015

Page 3

goals and objectives and fit within the post-construction hydrologic and geomorphic conditions in Diablo Creek and the wetland mitigation site.

**Fiscal Impact**

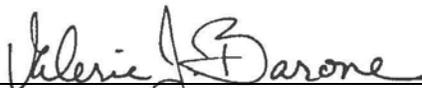
Funding will be provided through a loan to the LRA from the General Fund that was approved and appropriated as part of the adoption of the FY 2014/2015 budget as amended January 27, 2015. The loan will be repaid, with interest, from land sales or leases within the former Concord Naval Weapons Station (CNWS). The agreement will cover a performance period of January 1, 2015 to June 30, 2015. Total funding since 2009, including this amendment, is \$421,593. Funding was provided by the City's Redevelopment Agency (\$134,860), the General Fund (\$103,000) and state grants (\$148,733).

**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 \$35,000; and authorize the Executive Director of the LRA to execute the agreement.



Valerie J. Barone  
City Manager  
valerie.barone@cityofconcord.org

Prepared by: Michael W. Wright  
Executive Director,  
Local Reuse Authority  
michael.wright@cityofconcord.org

**SECOND AMENDMENT TO  
MASTER AGREEMENT FOR PROFESSIONAL SERVICES**

**This Second Amendment to Agreement** is entered into on February 25, 2015 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and H. T. Harvey & Associates (“CONSULTANT”) and is the second 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, in the amount of \$38,000; and

**WHEREAS**, the Agreement was amended on July 1, 2014 and was approved by Council as 5290-A, for an additional \$65,000 and extending the term to June 30, 2015; 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 \$35,000, for a total amount of the General Fund loan not to exceed \$421,593 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 January 1, 2015 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

This signature page is part of this second amendment to the Master Agreement for Professional Services entered into on February 25, 2015 by and between the City of Concord, a municipal corporation, (hereinafter "City") and H. T. Harvey & Associates (the "Consultant").