

**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 14, 2015

SUBJECT: APPROVAL OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR SPECIALIZED LEGAL SERVICES WITH BURKE, WILLIAMS & SORENSEN, LLP IN THE AMOUNT OF \$100,000 IN CONNECTION WITH TRANSACTIONAL LEGAL SUPPORT FOR THE TRANSFER FOR THE FORMER CONCORD NAVAL WEAPONS STATION (CNWS). (FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE AUTHORITY (LRA) FROM THE GENERAL FUND)

Report in Brief

As the Local Reuse Authority (LRA) moves towards actual land transfer there is a need for specialized transaction legal support. Potential support will include but not be limited to: review and revision of conveyance documents, preparation of development agreements including financial participation, creation of financing districts; development of labor agreements, negotiations of Term Sheets and Development Agreements with Master Developer candidates. The City Attorney has determined that outside counsel continues to be needed to augment staff. Burke, Williams & Sorensen, LLP has been providing these specialized services since 2013. 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 2015/2016 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, 2015 to June 30, 2016. Total funding since 2013, including this amendment, from the General Fund is \$325,000.

Background

The City Attorney and the LRA's Executive Director determined a need for specialized legal support focusing on specific areas of legal concern associated with property disposition and development as the Base moves towards transfer. The City Attorney conducted a competitive process for selecting a firm, entailing the issuance of requests for proposals to multiple Bay Area law firms specializing this area, and panel interviews of the responding firms. After analyzing the proposals, conducting interviews with all responding law firms and receiving input from the LRA's Project Team, the selection panel concluded that Burke, Williams & Sorensen, LLP fit best with the legal objectives sought by the City Attorney, the specifics of which are discussed below.

Discussion

Burke, Williams & Sorensen has been providing legal services to the LRA since 2013. The firm has been responsible for the provision of legal services in one or more of the following areas of law (including in each instance litigation and dispute resolution capabilities): 1) real estate development/Master Developer negotiations;

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2) land use and zoning; 3) construction; 4) energy; 5) public utilities; 6) labor agreements; 7) public finance; 8) non-profit/tax exempt organizations involved in affordable housing; and 9) environmental remediation/risk management.

The LRA and City Attorney's office continues to require support in these areas as the Base moves towards transfer in late 2015 or early 2016. Mr. Jerry Ramiza serves as the lead partner in charge. In addition to the firm's broad experience, Mr. Ramiza brings years of experience with Concord, having worked on a wide range of issues for the City and its Redevelopment Agency.

Fiscal Impact

The City Attorney is requesting the City Council approve an amendment to the Master Services Agreement in an amount not to exceed \$100,000, with additional authority for the City Attorney to approve amendments for additional compensation, not to exceed \$20,000, during the 12 month performance period.

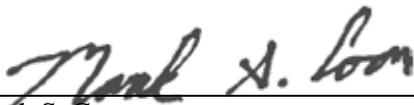
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Public Contact

Agenda has been posted in accordance with legal requirements.

Recommendation for Action

Staff recommends approving an amendment to the Master Professional Services Agreement for specialized transaction legal services with Burke, Williams & Sorensen, LLP in an amount not to exceed \$100,000 and authorizing the City Attorney to execute the agreement on behalf of the City.



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

This Fourth Amendment to Agreement is entered into on July 1, 2015 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Burke, Williams & Sorensen, LLP (“CONSULTANT”) and is the fourth amendment to an Administrative Agreement dated December 11, 2013, referenced as the City’s document No. 5306.

WHEREAS, the CITY and CONSULTANT entered into an agreement dated December 11, 2013 for services in connection with transactional legal support for the transfer of the Naval Weapons Station, in the amount of \$100,000; and

WHEREAS, the Agreement was amended on July 1, 2014 and was approved by Council as 5206-A, for an additional amount of \$80,000 and extending the term to June 30, 2015; and

WHEREAS, the Agreement was amended on February 25, 2015 for an additional amount of \$35,000; and

WHEREAS, the Agreement was amended on May 1, 2105 for an additional amount of \$10,000; and

WHEREAS, the parties hereto desire to amend the agreement 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 December 11, 2013, the CONSULTANT shall be compensated in the additional amount of \$100,000 for a total amount not to exceed **\$325,000** 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 July 1, 2015 extending the term ending date to June 30, 2016 unless earlier terminated in accordance with the terms of the Agreement.

Except as expressly amended herein all terms and conditions of the Agreement dated December 11, 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: _____
Gerald Ramiza
Partner

CITY OF CONCORD

Dated

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

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk