

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

DATE: November 3, 2015

**SUBJECT:** APPROVAL OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR SPECIALIZED LEGAL SERVICES WITH BURKE, WILLIAMS & SORENSEN, LLP IN THE AMOUNT OF \$70,000 IN CONNECTION WITH TRANSACTIONAL LEGAL SUPPORT FOR THE TRANSFER FOR THE FORMER CONCORD NAVAL WEAPONS STATION (CNWS). TOTAL FUNDING SINCE 2013 INCLUDING THIS AMENDMENT IS \$395,000. (FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE AUTHORITY (LRA) FROM THE GENERAL FUND)

**Report in Brief**

Staff is recommending that the Local Reuse Authority (LRA) approve an amendment to the Professional Services Agreement for specialized legal services with Burke, Williams & Sorensen, LLP to authorize the additional expenditure of up to \$70,000. The term of the Agreement, which is December 11, 2013 – June 30, 2015, is not changing under this amendment.

The Burke, Williams & Sorensen, LLP scope of work includes 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's office 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). Total funding since 2013, including this amendment, from the General Fund is \$395,000.

**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

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November 3, 2015

Page 2

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, LLP 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; 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's office is requesting the City Council approve an amendment to the Professional Services Agreement in an amount not to exceed \$70,000, with additional authority for the City Attorney's office to approve amendments for additional compensation, not to exceed \$20,000, during the 12 month performance period.

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). Total funding including this amendment is \$395,000. All funding to date has been provided by loans from the General fund to the LRA which will be repaid.

### **Public Contact**

Agenda has been posted in accordance with legal requirements.

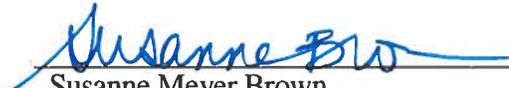
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November 3, 2015

Page 3

**Recommendation for Action**

Staff recommends approving an amendment to the Professional Services Agreement for specialized transaction legal services with Burke, Williams & Sorensen, LLP in an amount not to exceed \$70,000 and authorizing the Senior Assistant City Attorney to execute the agreement on behalf of the City.

  
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Senior Assistant City Attorney  
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Prepared by: Guy S. Bjerke  
Executive Director, Local Reuse Authority  
guy.bjerke@cityofconcord.org

Attachment 1: Amendment with Burke, Williams & Sorensen, LLP

**FIFTH AMENDMENT TO  
AGREEMENT FOR PROFESSIONAL SERVICES**

**This Fifth Amendment to Agreement** is entered into on November 1, 2015 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Burke, Williams & Sorensen, LLP (“CONSULTANT”) and is the fifth 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 Agreement was amended on July 1, 2105 for an additional amount of \$100,000; 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 \$70,000 for a total amount not to exceed **\$395,000** 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.

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: \_\_\_\_\_  
Susanne Meyer Brown  
Senior Assistant City Attorney

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Clerk

This signature page is part of this fifth amendment to the Master Agreement for Professional Services entered into on November 1, 2015 by and between the City of Concord, a municipal corporation, (hereinafter "City") and Burke, Williams & Sorensen, LLP (the "Consultant").