

**REPORT TO MAYOR AND CITY 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 MASTER SERVICES AGREEMENT WITH JOHNSON MARIGOT CONSULTING, LLC FOR PREPARATION OF MATERIALS TO SUPPORT AN APPLICATION FOR A 404 PERMIT UNDER THE CLEAN WATER ACT AND REGULATORY SUPPORT SERVICES IN THE AMOUNT OF \$20,000. TOTAL FUNDING SINCE 2014 INCLUDING THIS AMENDMENT IS \$80,000, OF WHICH \$10,000 WAS SUPPORTED BY AN OEA GRANT. (FUNDING WILL BE PROVIDED BY AN EXISTING LOAN TO THE LOCAL REUSE AUTHORITY FROM THE GENERAL FUND)

Report in Brief

Staff is recommending that the Local Reuse Authority (LRA) approve an amendment to the Master Services Agreement with Johnson Marigot Consulting, LLC (Johnson Marigot) to authorize the additional expenditure of up to \$20,000. The term of the agreement, which is from July 1, 2014 – June 30, 2016, is not changing under this amendment.

The Johnson Marigot scope of work includes regulatory support services associated with permit requirements under the Clean Water Act and for site wide permitting for the Local Reuse Authority (LRA). 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).

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 2014, including this amendment is \$80,000. The Department of Defense, Office of Economic Adjustment (OEA) provided \$10,000 of the total funding. The balance of funding comes from a loan from the General Fund to the LRA, which will be repaid.

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AMOUNT OF \$20,000. TOTAL FUNDING SINCE 2014 INCLUDING THIS
AMENDMENT IS \$80,000, OF WHICH \$10,000 WAS SUPPORTED BY AN OEA
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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 2014 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

This proposed amendment will provide Mr. Johnson's on-call services related to LRA BRAC and development activities. Among these activities will be:

- Supporting the LRA's 404 Permit, including a 401(b) alternatives analysis.
- EDC disposition strategies.
- 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 LRA approve an amendment to the Master Professional Services Agreement in an amount not to exceed \$20,000. 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 2015/2016 budget. The loan will be repaid, with interest, from land sales or leases within the former Concord Naval Weapons Station (CNWS). The term of the agreement is not changing under this amendment. Total funding since 2014, including this amendment, is \$80,000; an OEA grant provided \$10,000 of the total funding. The balance of the funding comes from a loan from the General Fund to the LRA, which will be repaid.

Public Comment

Agenda has been posted in accordance with legal requirements.

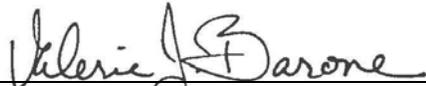
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Recommendation for Action

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 \$20,000.



Valerie J. Barone
City Manager
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Prepared by: Guy S. Bjerke
Executive Director, Local Reuse Authority
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Attachment 1: Agreement with Johnson Marigot Consulting, LLC

**THIRD AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES**

This Third Amendment to Agreement is entered into on November 1, 2105 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Johnson Marigot Consulting LLC (“CONSULTANT”) and is the third 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 Agreement has been amended on September 24, 2014, and was approved by Council as CCA-5338-A, for an additional amount of \$10,000 funded by a grant from the Office of Economic Adjustment; and

WHEREAS, the Agreement has been amended on July 1, 2015, and was approved by Council as CCA-5338-B, for an additional amount of \$45,000 and extending the term to June 30, 2016; 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, the CONSULTANT shall be compensated in the additional amount of \$20,000 for a total amount not to exceed **\$80,000** 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 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: _____
Guy S. Bjerke
Executive Director
Local Reuse Authority

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk

This signature page is part of this third amendment to the Agreement for Professional Services entered into on November 1, 2015 by and between the City of Concord, a municipal corporation, (hereinafter “City”) and Johnson Marigot Consulting LLC (“the Consultant”).