

**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: July 8, 2014

SUBJECT: APPROVAL OF AN AMENDMENT TO THE MASTER SERVICES AGREEMENT IN THE AMOUNT OF \$18,000 WITH THE LAW OFFICES OF CRAIG LABADIE FOR CONCORD COMMUNITY REUSE PROJECT DISPOSITION AND DEVELOPMENT LEGAL SERVICES. FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE AUTHORITY (LRA) FROM THE GENERAL FUND. TOTAL FUNDING SINCE 2012 IS \$84,000.

Report in Brief

The proposed amendment with The Law Offices of Craig Labadie continues professional legal services in support of the Local Reuse Authority (LRA) in an amount not to exceed \$18,000. Mr. Labadie has been providing specialized legal services in disposition and development planning for transfer of EDC parcels to the City and development of operating/maintenance agreements with East Bay Regional Park District (EBRPD).

Background

Craig Labadie, as the former Concord City Attorney, has provided special legal and advisory services relative to the closure and reuse of the Concord Naval Weapons Station (CNWS) since 2012.

Discussion

The City Attorney and the Executive Director of the LRA recommend the City Attorney authorize an amendment with The Law Offices of Craig Labadie for an amount not to exceed \$18,000. This agreement will continue Mr. Labadie's on-call services related to the full range of LRA BRAC and development activities. Among these activities will be:

- Navy and environmental regulatory meetings
- EDC and PBC disposition strategies
- Privatization of environmental remediation
- Review of documents/strategies associated with coordination with the EBRPD.

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Fiscal Impact

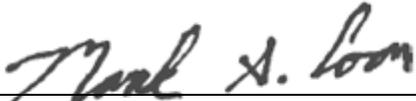
The City Attorney is requesting the LRA approve an amendment to the Master Professional Services Agreement in an amount not to exceed \$18,000 with additional authority to approve amendments for additional compensation, not to exceed \$10,000, during the twelve (12) month performance period. Funding 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 20145/2015 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, 2014 to June 30, 2015.

Public Comment

Notice of this meeting has been posted. Craig Labadie has received a copy of the staff report.

Recommendation for Action

Authorize the City Attorney to execute an amendment to the Master Services Agreement with The Law Offices of Craig Labadie to provide professional services related to the Concord Community Reuse Project, not to exceed \$18,000.



Mark S. Coon
City Attorney

Prepared by: Michael W. Wright
Executive Director
Local Reuse Authority
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Attachment 1: Amendment with The Law Offices of Craig Labadie

**THIRD AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES**

This Third Amendment to Agreement is entered into on July 1, 2014 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Craig Labadie (“CONSULTANT”) and is the third amendment to an Administrative Agreement dated March 6, 2012 referenced as the City’s document No. 5202.

WHEREAS, the CITY and CONSULTANT entered into an agreement dated March 6, 2012 for services assisting the Local Reuse Authority (LRA) in connection with LRA BRAC activities for the Concord Naval Weapons Station in the amount of \$96,000; and

WHEREAS, the Agreement was amended on March 6, 2013 to extend the term date to June 30, 2014 and reduce the contract amount by \$35,000; in June the contract amount was reduced by an additional \$15,000; and

WHEREAS, the Agreement was amended on July 24, 2013 for an additional \$20,000 and extend the term date to December 30, 2014; 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 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 March 6, 2012, the CONSULTANT shall be compensated in the additional amount of \$18,000 for a total amount not to exceed **\$84,000** 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, 2014, extending the term ending date 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 March 6, 2012 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: _____
Craig Labadie

CITY OF CONCORD

Dated

By: _____
Mark S. Coon
City Attorney

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk