

**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: July 14, 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 \$45,000. (FUNDING WILL BE PROVIDED BY A LOAN TO THE LOCAL REUSE AUTHORITY (LRA) FROM THE GENERAL FUND)

Report in Brief

Staff is requesting approval of an amendment to the Master Services Agreement with Johnson Marigot Consulting, LLC (Johnson Marigot) for regulatory support services associated with permit requirements under the Clean Water Act and for site wide permitting for the Local Reuse Authority (LRA) in an amount not to exceed \$45,000. 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). Total funding including this amendment is \$55,000. OEA grant provided \$10,000 with the balance of funding coming from a General Fund loan to the LRA that will be repaid.

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 2013 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

The Executive Director of the LRA recommends the City Council sitting as the LRA authorize an amendment to the Master Professional Services Agreement with Johnson Marigot for an amount not to exceed \$45,000. This agreement will provide Mr. Johnson's on-call services related to LRA BRAC and development activities. Among these activities will be:

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- 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

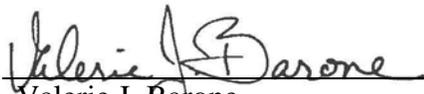
Staff is requesting LRA approve an amendment to the Master Professional Services Agreement in an amount not to exceed \$45,000. Funding will be provided through a loan to the LRA from the General Fund that was approved and appropriated as part of the adoption of the FY 2015/2016 budget. The loan will be repaid, with interest, from land sales or leases within the former Concord Naval Weapons Station (CNWS). The agreement will cover a performance period of July 1, 2015 to June 30, 2016. Total funding including this amendment is \$55,000. OEA grant provided \$10,000 with the balance of funding coming from a General Fund loan to the LRA that will be repaid.

Public Comment

Agenda has been posted in accordance with legal requirements.

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 \$45,000.



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City Manager
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Prepared by: Michael W. Wright
Executive Director
Local Reuse Authority

Attachment 1: Agreement with Johnson Marigot Consulting, LLC

**SECOND AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES**

This Second Amendment to Agreement is entered into on July 1, 2105 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Johnson Marigot Consulting LLC (“CONSULTANT”) and is the second 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 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 \$45,000 for a total amount not to exceed **\$50,000** 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 through 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 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: _____
Michael W. Wright
Executive Director
Local Reuse Authority

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk