

**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 14, 2015

SUBJECT: APPROVAL OF AN AMENDMENT TO THE MASTER SERVICES AGREEMENT IN THE AMOUNT OF \$12,000 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)

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 \$12,000. Mr. Labadie has been providing specialized legal services in support of disposition and development planning for transfer of EDC parcels to the City, negotiation of initial Term Sheets with Master Developer candidates, and development of operating/maintenance agreements with East Bay Regional Park District (EBRPD). 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 2012 is \$106,000. Funding was provided by a General Fund loan to the LRA that will be repaid.

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 \$12,000. 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:

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- Master Developer Term Sheet/Development Agreement Negotiations
- EDC and PBC disposition strategies
- Privatization of environmental remediation
- Review of documents/strategies associated with coordination with the EBRPD.

Fiscal Impact

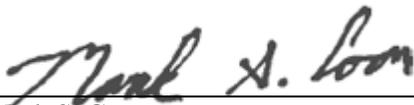
The City Attorney is requesting the LRA approve an amendment to the Master Professional Services Agreement in an amount not to exceed \$12,000 with additional authority to approve amendments for additional compensation, not to exceed \$10,000, during the twelve (12) month performance period. Funding 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 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 is \$106,000, funding was provided by a General Fund loan to the LRA which will be repaid.

Public Comment

Agenda has been posted in accordance with legal requirements.

Recommendation for Action

Staff recommends approval of the amendment to the Master Services Agreement and authorization for the City Attorney to execute the amendment with The Law Offices of Craig Labadie to provide professional services related to the Concord Community Reuse Project, not to exceed \$12,000.



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Attachment 1: Amendment with The Law Offices of Craig Labadie

**FIFTH AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES**

This Fifth Amendment to Agreement is entered into on July 1, 2015 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and Craig Labadie (“CONSULTANT”) and is the fifth 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 Agreement was amended on April 1, 2015 for an additional \$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 March 6, 2012, the CONSULTANT shall be compensated in the additional amount of \$12,000 for a total amount not to exceed **\$106,000** 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 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