

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

DATE: March 1, 2016

**SUBJECT: APPROVAL OF AN AMENDMENT TO THE MASTER AGREEMENT FOR PROFESSIONAL SERVICES ASSOCIATED WITH PREPARATION OF SITE WIDE PERMITS FOR SENSITIVE HABITAT AND SPECIES ON THE CONCORD NAVAL WEAPONS STATION WITH H. T. HARVEY & ASSOCIATES (HTH), NOT TO EXCEED \$80,000. TOTAL FUNDING SINCE 2009 IS \$626,593. (FUNDING PROVIDED THROUGH A LOAN TO THE LRA FROM THE GENERAL FUND THAT WAS APPROVED AND APPROPRIATED AS PART OF THE ADOPTION OF THE FY 2015/16 BUDGET)**

**Report in Brief**

Staff is recommending that the Local Reuse Authority (LRA) approve an amendment to the Master Agreement for Professional Services with H. T. Harvey and Associates (HTH) to continue support preparation of technical studies required to support site wide permits for sensitive habitat and species on the Concord Naval Weapons Station (CNWS). Staff recommends that the contract be amended in the amount of \$80,000.

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 on June 23, 2015. The loan will be repaid, with interest, from land sales or leases within the former Concord Naval Weapons Station (CNWS). The amendment will cover a performance period of March 1, 2016 to June 30, 2016. Total funding since 2009, including this amendment, is \$626,593. Funding was provided by the City's Redevelopment Agency (\$134,860), the General Fund (\$308,000), state grants (\$148,733), and the Office of Economic Adjustment (\$35,000).

**Background**

The LRA and community stakeholders have a proposed strategy to secure a set of site wide permits to help guide implementation of the Area Plan and mitigation programs in the Final Environmental Impact Report (FEIR). The LRA is now also assisting the Navy with the completion of their Draft Environmental Impact Statement (EIS). The LRA requires the specialized services of

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restoration ecologists to support technical studies and agency negotiations. HTH has been involved in the project since 2009 and has developed the mitigation and mitigation monitoring requirements associated with sensitive habitat and species for the Area Plan. HTH will provide ecological consulting services to prepare the conceptual restoration elements of the wetland and riparian habitats.

H. T. Harvey & Associates' restoration ecologists and restoration landscape architects will work closely with the rest of the project team to ensure the maximum wetland and riparian habitat values can be created with the site's soil and hydrologic limitations while ensuring the design concepts are constructible and cost effective. Their scope is also integral to a scope of services being executed by Engineering Science Associates (ESA) for a Conceptual Flood Management Plan and wetland protection programs

### **Discussion**

For historical purposes, the tasks associated with this scope of services are listed here. The tasks primarily associated with this amendment are detailed in Task 11.

#### **Task 1. Impact Assessment**

HTH will prepare a detailed impact assessment for the Project for inclusion in the MMP. The impact assessment will include a summary of impacts to USACE, CDFW, and RWQCB jurisdictional areas. Although impacts to jurisdictional waters have already been quantified to some extent, this effort will include preparation of maps showing areas of proposed impacts and an examination of all areas to be graded within Mt. Diablo Creek and Willow Pass Creek to accurately determine the area of riparian canopy to be removed. It will also include an evaluation of the quality of the habitat that will be impacted so appropriate mitigation ratios can be assigned. This task will build off previous impact assessment work completed for the Project and will include all impacts associated with development of the Project as well as impacts to Mt. Diablo Creek, Willow Pass Creek, and the proposed new amphibian breeding ponds. Impacts will be described in both text and tables and will include a series of figures depicting the impact areas. This impact assessment will form the basis for the proposed habitat restoration mitigation measures.

#### **Task 2. Mt. Diablo Creek Restoration Design**

HTH will work with ESA to develop the habitat restoration design for Mt. Diablo Creek for incorporation into the MMP. Building off the 30% grading plans developed by others, HTH

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will determine the extent of each of the 3-4 jurisdictional habitat types that can be established within the proposed creek restoration areas, the species composition of these habitat types, and the maintenance activities that will be necessary to establish these habitats in the long-term. The restoration design will include details regarding site preparation, including topsoil placement (see Task 7), to establish conditions appropriate to support the target riparian habitat types. It will include a summary of the physical features to be incorporated into the design, including the channel restoration elements derived from the hydrogeomorphic design report to be developed by ESA and incorporated into an appendix of the MMP. The restoration design will include an analysis and description of all of the proposed measures that will result in ecological enhancement and mitigation credits, including the control of invasive exotic pest plants within existing riparian habitat and the removal/reduction of existing bridge crossings. This task will include development of plan views and typical cross-sections that depict the restoration design based upon the grading plans provided by others. The information derived from this design effort, including the figures developed, will be incorporated into the MMP.

**Task 3. Flood Detention Basin Design**

HTH will develop the revegetation elements of the flood detention basin. This will be based on the 30% grading design and hydrologic modeling performed by ESA. The revegetation design will include details regarding site preparation, including topsoil placement (see Task 7), to establish conditions appropriate to support vegetation. This task will include development of plan views and typical cross-sections that depict the restoration design based upon the 30% grading plans provided by others. Assuming mitigation credit can be obtained for this feature, figures and information developed under this task will be incorporated into the MMP.

**Task 4. Willow Pass Creek Restoration Design**

HTH will work with ESA to develop the habitat restoration design for the re-creation of Willow Pass Creek for incorporation into the MMP. Building off approximately 30% grading plans developed and provided by others, HTH will determine the extent of each of the 2-3 jurisdictional habitat types that can be established within the proposed creek re-creation area, the species composition of these habitat types, and the maintenance activities that will be necessary to establish these habitats in the long-term. The restoration design will include details regarding site preparation, including topsoil placement (see Task 7), to establish conditions appropriate to support the target riparian habitat types. It will include a summary of the physical features to be incorporated into the design, including the channel restoration elements derived from the hydrogeomorphic design report to be developed by ESA and incorporated into an appendix of

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the MMP. This task will include development of plan views and typical cross-sections that depict the restoration design based upon the 30% grading plans provided by others. The figures and information developed under this task will be incorporated into the MMP. Because this task relies heavily on how the immediately adjacent land plan is developed, it is assumed that 2-3 conference calls with ESA, Arup, and others will be required to help determine the approximate alignment of the new creek.

**Task 5. Airfield Wetlands Restoration Design**

HTH will work with ESA to develop the habitat restoration design for the creation of wetlands near the old airfield on site. Building off approximately 30% grading plans developed and provided by others, HTH will determine the extent of each of the 2-3 jurisdictional habitat types that can be established within the proposed wetland restoration site. The species composition of the wetlands to be created will be based upon the predicted depth and duration of ponding determined by ESA. It is assumed that a combination of seeding and container plant installation will be used to establish the target wetland habitat types. The restoration design will include details regarding site preparation, including topsoil placement (see Task 7), to establish conditions appropriate to support the target wetland habitat types. It will include a summary of the physical features to be incorporated into the design, including the water control features used to regulated water entering and leaving the site. These descriptions will be derived from the hydrogeomorphic design report to be developed by ESA and incorporated into an appendix of the MMP. This task will include development of plans views and typical cross-sections depicting the restoration design based on the 30% grading plans provided by others. The figures and information developed under this task will be incorporated into the MMP.

**Task 6. Conservation Area Amphibian Breeding Pond Creation Design Technical Memo**

HTH will work with ESA to develop the habitat restoration design for the creation of amphibian breeding ponds in the Conservation Area. HTH will provide ESA with the necessary depth and duration of ponding to provide adequate water for successful breeding of California tiger salamander (*Ambystoma californiense*) and if enough runoff is available, California red-legged frog (*Rana draytonii*). The information derived from this design effort will be summarized in a technical memo that will include a water balance model developed by ESA and included as an appendix to the memo. This task will include development of plan views and typical cross-sections that depict the restoration design. This tech memo will provided stand-alone information that will not be incorporated into the MMP, but that rather will be incorporated into the Habitat Mitigation and Management Plan (HMMP; see Task 11) and made available to

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the USFWS and CDFW to indicate how the Conservation Area will be enhanced for listed species.

**Task 7. Topsoil Management Technical Memo**

Proper harvest, storage, and reapplication of topsoil is necessary to successfully restore habitat in projects that involve large-scale grading. To help ensure this valuable resource is fully utilized and the habitat restoration goals can be achieved, HTH will develop a comprehensive Soils Management Technical Memo. This tech memo will include an evaluation of topsoil resources within the footprint of each of the restoration sites and adjacent areas that will be graded as part of site development. HTH will consult with Arup and the City of Concord (and the master developer, if appropriate) to determine the approximate footprint and timing of grading in the vicinity of the restoration areas to inform how topsoil can be practically managed on site. Based on the data collected and general observations of surficial soil conditions, HTH will develop a figure that shows the approximate limits of the topsoil harvest areas.

To better understand the characteristics of potential topsoil to be harvested, HTH will manually excavate approximately 20 shallow (12–18 inch) soil pits to determine the approximate depth of topsoil and how closely the soils present match the descriptions of the soil series mapped in the Contra Costa County Soil Survey. Approximately four composite soil samples (one at Willow Pass Creek and three on Mt. Diablo Creek) will also be collected and sent to a soils laboratory for horticultural suitability analysis. Collection and analysis of soil samples at the old airfield wetland site will not be required as enough information is known about this area from previous work conducted. Samples will be analyzed by Talus Soil Consulting to determine if any amendments are necessary and if so, what they will be.

A tech memo will be developed that includes information on approximate soil harvest depths, locations, storage requirements, potential amendments and general reapplication requirements. It will also include figures showing the approximate boundaries of topsoil harvest locations. The topsoil management technical memo will be an appendix to the MMP.

**Task 8. Prepare Admin Draft MMP**

HTH will prepare a habitat restoration MMP that summarizes the Project's conceptual habitat restoration and how it mitigates impacts to resource agency jurisdictional areas. It will include a general description of the overall Project and a detailed description of the habitat approach that will be employed. The MMP will be prepared following the guidelines developed

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by the San Francisco District of the USACE. The MMP will include a description of Project impacts, restoration design, and long-term habitat development success criteria and monitoring requirements. It will separately describe the habitat restoration methods to be used in each of the three primary restoration areas. It will incorporate the design information derived from Tasks 1–5 and will include the hydrology/geomorphology design reports developed by ESA and soils tech memo as appendices. The MMP will be provided to the City of Concord and the rest of the City's team for review.

**Task 9. Prepare Draft MMP**

HTH will revise the draft MMP based upon City comments. This task assumes the City will provide one round of consolidated comments on the MMP. The draft MMP will then be incorporated into the resource agency permit application packages.

**Task 10. Prepare Final MMP**

HTH will revise the draft MMP based upon resource agency comments. It is assumed that the resource agencies will generally accept the mitigation approach and as a result large-scale restoration design revisions will not be required.

**Task 11. Continued Permitting Support**

HTH staff will continue to support the City in obtaining its resource agency permits and in Federal and State Endangered Species Act consultation. This task includes assistance with such activities after June 2015. Specific tasks to be performed include the following:

- Meetings, conference calls, and email coordination with the City and its Project team, the Navy, the East Bay Regional Park District, and resource agencies to discuss permitting, consultation, and land transfer issues.
- Preparation of materials to support permit applications to the USACE (Section 404), RWQCB (Section 401/Porter-Cologne Act), and CDFW (Section 1602 and California Endangered Species Act), including revision of existing permit application materials as necessary, as well as preparation of additional materials that may be requested by these agencies.
- Preparation of materials to support the Section 7 consultation with the USFWS, including preparation of an HMMP describing how the Conservation Area will be enhanced and managed for the conservation of federally listed species.

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- Miscellaneous tasks that may be requested by the City, such as providing comments on CDFW or USFWS documents concerning Navy activities that could have implications for future City activities.

**Fiscal Impact**

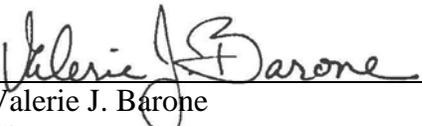
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**Public Contact**

Agenda has been posted in accordance with legal requirements.

**Recommendation for Action**

Staff recommends the LRA approve the Master Services Agreement for Professional Services with H. T. Harvey & Associates in a total amount of \$80,000; and authorize the Executive Director of the LRA to execute the agreement.

  
\_\_\_\_\_  
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City Manager  
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Prepared by: Guy S. Bjerke  
Director of Community Reuse Planning  
Guy.bjerke@cityofconcord.org

**FIFTH AMENDMENT TO  
MASTER AGREEMENT FOR PROFESSIONAL SERVICES**

**This Fifth Amendment to Agreement** is entered into on March 1, 2016 (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation, (“CITY”) and H. T. Harvey & Associates (“CONSULTANT”) and is the fifth amendment to a Master Agreement dated July 24, 2013, referenced as the City’s document No. 5290.

**WHEREAS**, the CITY and CONSULTANT entered into an agreement dated July 24, 2013 for services in connection sensitive habitat and species on the Concord Naval Weapons Station, in the amount of \$38,000; and

**WHEREAS**, the Agreement was amended on July 1, 2014 and was approved by Council as 5290-A, for an additional \$65,000 and extending the term to June 30, 2015; and

**WHEREAS**, the Agreement was amended on February 25, 2015 and was approved by Council as 5290-B, for an additional \$35,000; and

**WHEREAS**, the Agreement was amended on May 1, 2015 and was approved by Council as 5290-C, for an additional \$15,000; and

**WHEREAS**, the Agreement was amended on July 1, 2015 and was approved by Council as 5290-D, for an additional \$110,000 and extending the term to June 30, 2016; and

**WHEREAS**, the parties hereto desire to amend the agreement to 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 amended to read as follows:

**SECTION 5 - COMPENSATION**

5. **COMPENSATION**

With this amendment to the original agreement of July 24, 2013, the CONSULTANT shall be compensated in the additional amount of **\$80,000**, for a total amount of the General Fund loan not to exceed **\$626,593** for basic services rendered, as more particularly described in Exhibit 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 24, 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: \_\_\_\_\_  
Stephen C. Rottenborn, Ph. D  
Principal

**CITY OF CONCORD**

\_\_\_\_\_  
Dated

By: \_\_\_\_\_  
Guy S. Bjerke  
Executive Director  
Local Reuse Authority

APPROVED AS TO FORM:

ATTEST:

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

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