

**RESOLUTION NO. 10-24**

**A RESOLUTION THE MEMBERS OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING EXECUTION OF A CONTRACT WITH MILDRED HOWARD FOR PUBLIC ART FOR THE RICHMOND BART PARKING STRUCTURE AND MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW**

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**WHEREAS**, the City Council of the City of Richmond (the "City Council") adopted the Amended and Restated Redevelopment Plan for the Richmond Merged Project Area ("Redevelopment Plan") adopted by Ordinance No. 17-10 N.S., dated May 4, 2010, in accordance with the California Redevelopment Law. The Redevelopment Plan sets forth a plan for redevelopment of constituent project area No. 10-A (the "Project Area"); and

**WHEREAS**, the Richmond Community Redevelopment Agency (the "Agency") is responsible for administering the Redevelopment Plan to cause the redevelopment of the Project Area, including installation of public improvements consistent with the Redevelopment Plan; and

**WHEREAS**, the Agency, Bay Area Rapid Transit District ("BART") and Richmond Transit, LLC ("Original Developer") entered into a Disposition and Development Agreement dated April 11, 2002 ("Original DDA"), later amended by the Assignment and Assumption Agreement among Agency, BART, Original Developer and Olson 737 – Richmond 132, LLC ("Developer") in which Developer assumed Original Developer's interests and obligations under the Original DDA, dated as of May 9, 2003 and further amended by the Second Amendment to the Disposition and Development Agreement on August 1, 2008 (as amended, the "DDA"), which DDA sets forth the rights and obligations of the parties thereto regarding the development of a mixed-use transit village ("Transit Village") by Developer on certain real property described in the DDA as the "Site"; and

**WHEREAS**, the DDA divided the development of the Transit Village into two phases. The Phase I Improvements (as defined in the DDA) include the construction of a parking structure containing approximately 750 parking spaces and retail space (the "Parking Structure"); and

**WHEREAS**, the Parking Structure design provides for the installation of public art on the Parking Structure's east and west elevations, and these provisions are delineated on the construction drawings approved by BART on September 4, 2009; and

**WHEREAS**, the Parking Structure is to be constructed by Agency at Agency's expense as provided in the DDA. Upon completion of construction, the Parking Structure will be conveyed to BART as provided in the DDA; and

**WHEREAS**, pursuant to Health and Safety Code Section 33445, the Agency may pay for some or all of the costs associated with the construction of the Parking Structure in that the improvement benefits the Project Area and will assist in the elimination of blight by improving circulation, adding parking and making BART's existing surface parking areas available for future development pursuant to the DDA; and

**WHEREAS**, the Agency budgeted the necessary funds for the construction of the Parking Structure, including public art, in the Fiscal Year 2010-2011 budget item "Richmond Transit Village" and there are no other reasonable means of financing the Parking Structure available; and

**WHEREAS**, Agency staff conducted a bid process in accordance with Agency and City policies and desires to award the contract for the Parking Structure public art to the responsible bidder whose qualifications and proposal were determined to be the most advantageous to the Agency, taking into consideration the evaluation factors set forth in the request for qualifications and request for proposals; and

**WHEREAS**, by the agenda report accompanying this Resolution and incorporated herein by reference (“Agenda Report”), the Agency Board has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

**NOW, THEREFORE, BE IT RESOLVED**, that the Agency Board hereby finds the above recitals are true and correct and have served, together with the Agenda Report, as the basis for the findings and actions set forth in this Resolution.

**BE IT FURTHER RESOLVED**, that the Agency Board hereby authorizes the expenditure of \$200,000 as authorized in its approved FY 2010-2011 budget for the Parking Structure in budget item Richmond Transit Village.

**BE IT FURTHER RESOLVED** that the Agency Board hereby approves the funds for and awards the contract to Mildred Howard for public art for the Parking Structure in an amount not to exceed \$200,000.

**BE IT FURTHER RESOLVED** that the Agency Board hereby authorizes the Executive Director of the Agency to execute, and make minor amendments to, the contract as needed to facilitate the completion of the Parking Structure and the public art associated therewith.

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I certify that the foregoing resolution was passed and adopted by the Richmond Community Redevelopment Agency Board at a joint special meeting thereof held on July 27, 2010, by the following vote:

AYES: Boardmembes/Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, Vice Chairperson/Vice Mayor Ritterman, and Chairperson/Mayor McLaughlin.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

DIANE HOLMES  
Clerk of Redevelopment Agency

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Chairperson/Mayor

Approved as to Form:

RANDY RIDDLE  
Agency Attorney

State of California            }  
County of Contra Costa        }        : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 10-24**, finally passed and adopted by the Richmond Community Redevelopment Agency at a joint special meeting held on July 27, 2010.