

RESOLUTION NO. 11-15

RESOLUTION OF THE MEMBERS OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING EXECUTION OF AMENDMENTS TO CONTRACTS WITH EAGLE ENVIRONMENTAL CONSTRUCTION FOR REMEDIATION ACTIVITIES AT THE MIRAFLORES HOUSING DEVELOPMENT SITE

WHEREAS, the Agency owns certain real property commonly known as the Miraflores Housing Development site, a 14 acre parcel bounded on the north by a portion of the BART rail line, to the east by Highway 80, to the south by Florida and Wall Avenues and to the west by South 45th and South 47th Streets (the "Property"); and

WHEREAS, the Agency desires to assist with the development of for-sale housing and senior rental housing as proposed for the Miraflores Housing Development Project ("Project"); and

WHEREAS, the proposed Project is strategically important, as it is located within Redevelopment Project Area No. 10-A ("Downtown"), adopted by Ordinance No. 26-99 N.S. and dated July 13, 1999 and the Amended and restated Redevelopment Plan for Project Area No.10-B ("Nevin"), originally approved in 1999 under California State Redevelopment Law and expanded by Agency Ordinance Amendment on July 12, 2005, and is consistent with the City's Housing Element, Five Year Consolidated Plan, and the Community and Economic Development Agency's Strategic Plan goals to "increase the supply of housing, emphasizing affordable components;" and

WHEREAS, the Property is contaminated with hazardous materials and remediation activities including hazardous building abatement, historic structures relocation, demolition and soil remediation must be completed prior to development of the Project; and

WHEREAS, the Agency budgeted necessary funds, including federal, State and local grant funds that the Agency was able to secure for the remediation of the Property in the Fiscal Year 2010-2011 budget item "Miraflores Housing Development" to finance the remediation of the Property; and

WHEREAS, on January 4, 2010 the Agency Board approved the funds for and award of contracts to Eagle Environmental Construction, as General Contractor and PES Environmental, acting on behalf of the Agency as Owner's Representative for the remediation of the Property in a total amount not to exceed \$3,800,000; and

WHEREAS, additional work and modification of the clean up strategy necessitates amendments to the form, scope of work and dollar values of the contracts; and

WHEREAS, the Agency has budgeted additional funds, including 2007 B Bond and Housing In-Lieu funds to secure completion of the remediation of the Property in the Fiscal Year 2011-2012 budget item "Miraflores Housing Development" and there are no other reasonable means of financing the remediation of the Property; 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 serve, 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 additional expenditure of up to \$1,200,000 as authorized in its approved FY 2011-12 budget for the remediation of the Property in budget item Miraflores Housing Development.

BE IT FURTHER RESOLVED that the Agency Board hereby approves additional funds for contracts to Eagle Environmental Construction for the remediation of the Property in an amount not to exceed \$1,200,000.

BE IT FURTHER RESOLVED that the Agency Board hereby authorizes the Executive Director of the Agency to execute amendments to the Remediation Agreements in substantially the form of the Remediation Agreement included in Attachment 2 and consistent with the accepted and approved bid documents, with minor revisions subject to the approval of Agency Counsel as needed to facilitate the completion of the remediation of the Property consistent with this Resolution.

I certify that the foregoing resolution was passed and adopted by the Richmond Community Redevelopment Agency of the City of Richmond at a joint meeting held on Tuesday, July 19, 2011, by the following vote:

AYES: Boardmembers Bates, Beckles, Booze, Ritterman, Rogers, Vice Chairperson Butt, and Chairperson McLaughlin.
NOES: None.
ABSENT: None.
ABSTENTIONS: None.

DIANE HOLMES
Clerk of Redevelopment Agency

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Chairperson

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. 11-15**, finally passed and adopted by the Richmond Community Redevelopment Agency at a joint meeting held on July 19, 2011.