

**RESOLUTION NO. 45-12**

**RESOLUTION OF THE MEMBERS OF THE RICHMOND CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING EXECUTION OF AMENDMENTS INCREASING FUNDING TO AND EXTENDING THE TERM OF CONTRACTS WITH EAGLE ENVIRONMENTAL CONSTRUCTION FOR ABATEMENT, DEMOLITION, HISTORIC STRUCTURES RELOCATION AND SOIL REMEDIATION AND A CONTRACT WITH PES ENVIRONMENTAL FOR OWNER'S REPRESENTATIVE SERVICES RELATIVE TO THE MIRAFLORES HOUSING DEVELOPMENT SITE**

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**WHEREAS**, the City of Richmond as the Successor Agency to the Richmond Community Redevelopment Agency (the "Successor 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 45<sup>th</sup> and South 47<sup>th</sup> Streets (the "Property"); and

**WHEREAS**, the Successor 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 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 in need of remediation activities, including hazardous building abatement, historic structures relocation, demolition and soil remediation all of which remediation must be completed prior to development of the Project; and

**WHEREAS**, the former Agency budgeted necessary funds, including federal, State and local grant funds that the former 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, 2011 the former Agency Board approved the funds for and award of contracts to Eagle Environmental Construction (\$3.1 million) as General Contractor and PES Environmental Inc.(\$700,000,) to act on the former Agency's behalf as Owner's Representative for the remediation of the Property in an amount not to exceed \$3,800,000; and

**WHEREAS**, additional work and modification of the clean up methodology necessitated amendments to the form, scope of work and dollar values of the contracts; and

**WHEREAS**, on July 19, 2011 the former Agency Board authorized an amendment to the Eagle Environmental Construction Abatement, Demolition and Historic Structures Relocation contract to add an additional \$1.2 million in funds including 2007 B Bond and Housing In-Lieu Fee funds to secure the remediation of the Property as shown in the Fiscal Year 2011-2012 budget item "Miraflores Housing Development"; and

**WHEREAS**, costs associated with hazardous waste characterization, unexpected high volumes of construction debris and soil disposal, and the dismantling and abatement of historic structures necessitated further amendments to the scope of work (specifically through change orders) and dollar values of the Eagle Environmental Construction and PES Environmental contracts; and

**WHEREAS**, additional 2007B Bonds have been budgeted to secure completion of the remediation of the Property in the Fiscal Year 2012- 2013 budget under line item "Miraflores

Housing Development” and there are no other currently available reasonable means of financing the remediation of the Property; and

**WHEREAS**, the Successor Agency, EEC and PES seek to extend the term of their respective contracts through June 2013 in order to complete all remediation activities on the Property; and

**WHEREAS**, by the agenda report accompanying this Resolution and incorporated herein by reference (“Agenda Report”), the City Council 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 City Council acting on behalf of the Successor Agency, 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 City Council hereby authorizes the additional expenditure of up to \$2,000,000 as authorized in its approved FY 2012-13 budget for the remediation of the Property in budget item “Miraflores Housing Development”.

**BE IT FURTHER RESOLVED** that the City Council hereby approves additional funds for contracts with Eagle Environmental Construction for the remediation of the Property and PES Environmental to act as the owner’s representative for the Project in an amount not to exceed \$2,000,000.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the City Manager to execute amendments to the Abatement, Demolition and Historic Structures Relocation Agreement and the Soil Remediation Agreement with Eagle Environmental Construction and the Owner’s Representative Agreement with PES Environmental to provide additional funding to up \$2,000,000 and to extend the term of these contracts to June 2013 in order to facilitate the completion of the hazardous materials remediation of the Property consistent with this Resolution.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on April 3, 2012, by the following vote:

AYES: Councilmembers Bates, Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

BRUCE GOODMILLER  
City Attorney

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

I certify that the foregoing is a true copy of Resolution No. 45-12, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 3, 2012.