

**RESOLUTION NO. 53-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND ACTING AS THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY, AUTHORIZING EXECUTION OF A CONTRACT WITH W.R. FORDE ASSOCIATES FOR THE CONSTRUCTION OF THE MEADE STREET BYPASS ROAD**

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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 Merged Project Area, adopted by Ordinance No. 17-10 N.S., dated May 4, 2010 (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan sets forth a plan for redevelopment of the Merged Project Area; and

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

**WHEREAS**, the Meade Street Bypass Project (the "Project") is desired to be constructed in order to allow ingress and egress into the South Richmond Area during periods of train activity; and

**WHEREAS**, in January 2009, the former Agency approved a contract with Civil Engineering Associates to prepare the construction documents for the Project; and

**WHEREAS**, the Project will support the development of the Moody Underpass Project by providing additional access into and out of the south shoreline area during construction and was a planned Merged Project Area improvement that is now desired to be constructed subsequent to the State of California elimination of Redevelopment Agencies on February 1, 2012; and

**WHEREAS**, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to make certain payments; and

**WHEREAS**, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

**WHEREAS**, on December 29, 2011 the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27 and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

**WHEREAS**, AB 1X 26 provides that successor agencies be designated as successor entities to the former redevelopment agencies, and provides that, with certain exceptions, all authorities, rights, powers, duties and obligations previously vested with the former redevelopment agencies, under the California Redevelopment Law, are vested in the successor agencies; and

**WHEREAS**, in accordance with Health and Safety Code Section 34173, the City Council elected to become the Successor Agency to the Richmond Community Redevelopment Agency ("Successor Agency") at its regular meeting of January 24, 2012; and

**WHEREAS**, in compliance with AB 1X 26, the Agency adopted an Enforceable Obligation Payment Schedule ("EOPS") to allow the Agency to make payments on debts and obligations listed on the EOPS; and

**WHEREAS**, the obligation to design and construct the Project was included in the amended EOPS as “Marina Bay Project”, line item No. 25, adopted by the Successor Agency Board at its regular meeting of January 24, 2012 in compliance with AB 1X 26; and

**WHEREAS**, AB 1X 26 provides that the Successor Agency may make payments on debts and obligations listed on the adopted EOPS; and

**WHEREAS**, Successor Agency staff conducted a selection process in accordance with City policies and desires to award the contract for the construction of the Project to the lowest responsible bidder whose proposal is determined in writing to be the most advantageous to the Successor Agency, taking into consideration the evaluation and bid incentive factors set forth in the request for bids.

**NOW, THEREFORE, BE IT RESOLVED**, that the Successor Agency finds the above recitals are true and correct.

**BE IT FURTHER RESOLVED**, that the Successor Agency hereby authorizes the expenditure of \$950,000 as authorized in its approved FY 2011-2012 budget for the Meade Street Bypass Project in line item “Railroad Crossing Improvements”.

**BE IT FURTHER RESOLVED**, that this Resolution shall approve the funds for and authorize the City Manager to execute a contract with W.R. Forde Associates for the construction of the Meade Street Bypass Project in an amount not to exceed \$950,000.

**BE IT FURTHER RESOLVED** that this Resolution shall authorize the City Manager to make minor amendments to the contract as needed to ensure the completion of the construction of the Meade Street Bypass Project.

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I certify that the foregoing Resolution was passed and adopted by the City Council as Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on May 1, 2012, by the following vote:

AYES: Councilmembers Bates, Beckles, Booze, 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:

RANDY RIDDLE  
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. 53-12, finally passed and adopted by the City Council as Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on May 1, 2012.