

SUCCESSOR AGENCY RESOLUTION NO. 13-9

CITY COUNCIL RESOLUTION NO. 77-13

A RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING EXECUTION OF AN AMENDMENT INCREASING FUNDING TO A LEGAL SERVICES AGREEMENT WITH HOLLAND AND KNIGHT LLP TO PROVIDE ENVIRONMENTAL LEGAL SERVICES FOR THE MIRAFLORES HOUSING DEVELOPMENT

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, in accordance with Health and Safety Code Section 34173, the Successor Agency to the Richmond Community Redevelopment Agency (“Successor Agency”) was created on January 24, 2012; and

WHEREAS, 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 45th and South 47th 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, on May 1, 2011, the former Richmond Community Redevelopment Agency entered into a legal services agreement for \$50,000 with Holland and Knight to provide legal services and strategic advice in connection with the implementation of the Department of Toxic Substance Control (DTSC) Approved Remedial Action Plan for the Project as well as the mitigation requirements prescribed under the site’s California Environmental Quality Act Mitigation Monitoring Plan; and

WHEREAS, on November 1, 2011 the former Richmond Community Redevelopment Agency amended the agreement to extend time and the payment amount by \$75,000 to allow Holland and Knight to respond to additional reporting requirements in compliance the terms and conditions of the CalReUSE grant, federal EPA Clean Up grants, and EPA Revolving Loan fund loan for the project and reporting and completion under Polanco Redevelopment Act; and

WHEREAS, the Successor Agency now wishes to amend the existing contract to increase available funding by up to an additional \$75,000 so that Holland and Knight can continue to provide services under the existing scope of work and in anticipation of using Holland and Knight’s expertise and assistance in obtaining a letter of completion or equivalent letter from DTSC once all remediation is complete on the Miraflores Housing Development site; and

WHEREAS, the California State Department of Finance has approved the use of bond funding for these expenditures under the Successor Agency’s Recognized Obligation Payment Schedule (ROPS III and ROPS 13-14A).

NOW THEREFORE, BE IT RESOLVED that the members of the Board of the

Successor Agency authorize the Housing Director or his designee to execute a contract amendment between the Successor Agency and Holland and Knight, LLP for environmental legal services for the Miraflores Housing Development as provided in the staff report attached in support of this Resolution in an amount not to exceed \$75,000.

I certify that the foregoing Joint Resolution was passed and adopted by the City Council of the City of Richmond and the Successor Agency to the Richmond Community Redevelopment Agency Board at a special meeting held on July 30, 2013, by the following vote:

AYES: Councilmembers Bates, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, 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. 77-13, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on July 30, 2013.