

RESOLUTION NO. 14-3

A RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING EXECUTION OF A CONTRACT WITH CENTER FOR CREATIVE LAND RECYCLING FOR ENVIRONMENTAL AND PROGRAM MANAGEMENT ASSISTANCE INCLUDING BUT NOT LIMITED TO ADMINISTRATIVE, AUDIT, REGULATORY AND GRANT COMPLIANCE SERVICES RELATED TO THE COMPLETION OF SOIL REMEDIATION ACTIVITIES AT THE MIRAFLORES HOUSING DEVELOPMENT SITE

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") at the Property; and

WHEREAS, the Property is contaminated with hazardous materials and in need of remediation activities including soil remediation which is ongoing (Soil Remediation Work); 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 Soil Remediation Work in the Fiscal Year 2010-2011 budget item "Miraflores Housing Development"; and

WHEREAS, approximately \$950,000 in additional bond funding and a Department of Toxic Substance Control Brownfields grant (\$200,000) and below market loan (\$800,000) have been secured and budgeted for the completion of Soil Remediation Work in the Fiscal Year 2013- 2014 budget under line item "Miraflores Housing Development"; and

WHEREAS, the State Department of Finance has approved the use of bond funding for the Soil Remediation Work under the Successor Agency's Recognized Obligation Payment Schedule (ROPS III and ROPS 13-14A); and

WHEREAS, the Successor Agency and CCLR entered into a sole source contract in September, 2012 that expired on September 30, 2013 providing assistance with project compliance related to California Pollution Control Financing

Authority (CPCFA) CAL ReUSE grant related requirements and/or obligations as well as project compliance with environmental regulatory requirements; and

WHEREAS, the Successor Agency and CCLR seek to enter into a new contract wherein CCLR will provide services including but not limited to administrative, audit, regulatory and grant compliance assistance; and

WHEREAS, by the agenda report accompanying this Resolution and incorporated herein by reference ("Agenda Report"), the Board of the Successor Agency 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 Board 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 Board of the Successor Agency hereby approves authorizing the expenditure of up to \$25,000 as approved in its 2013-2014 budget for the Soil Remediation Work in budget item "Miraflores Housing Development".

BE IT FURTHER RESOLVED that the Board of the Successor Agency hereby authorizes the Executive Director or his designee to execute a contract to provide environmental and program management assistance including but not limited to administrative, audit, regulatory and grant compliance services related to soil remediation activities at the Miraflores Housing Development site in an amount not to exceed \$25,000 with the Center for Creative Land Recycling. The term of the contract will be from March 1, 2014 until June 30, 2015.

I certify that the foregoing resolution was passed and adopted by the Successor Agency to the Richmond Community Redevelopment Agency Board at a regular meeting held on February 18, 2014, by the following vote:

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

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond and
Successor Agency

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor/Successor Agency Board Chair

Approved as to form:

BRUCE REED GOODMILLER
City Attorney/Successor 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. 14-3**, finally passed and adopted by the Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on February 18, 2014.