

SUCCESSOR AGENCY RESOLUTION NO. 14-5

CITY COUNCIL RESOLUTION NO. 10-14

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND AND THE MEMBERS OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING EXECUTION OF AN AMENDMENT TO THE CONTRACT WITH THE HANNA GROUP FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE OFFICER BRADLEY A. MOODY MEMORIAL UNDERPASS GRADE SEPARATION PROJECT

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 (the "Project Area"); and

WHEREAS, the Richmond Community Redevelopment Agency (the "former Agency") was responsible for administering the Redevelopment Plan to cause the redevelopment of the Project Area, including installation of public improvements consistent with the Redevelopment Plan; 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 ("HSC") Section 34173, the Successor Agency to the Richmond Community Redevelopment Agency ("Successor Agency") was created on January 24, 2012; and

WHEREAS, the obligation to design and construct the Officer Bradley A. Moody Memorial Underpass Grade Separation Project ("Project") is included in the approved Recognized Obligation Payment Schedules ("ROPS") for the periods July 2013 to December 2013 and January 2014 to June 2014 as line item No. 61, approved by the Oversight Board of the Successor Agency at its meetings of February 21, 2013 and September 26, 2013, respectively, and in compliance with HSC 34177 (l); and

WHEREAS, the California State Department of Finance, by its letter of September 17, 2012, determined the Project qualifies as an enforceable obligation; and

WHEREAS, HSC 34177 (a) requires that the Successor Agency make payments on debts and obligations listed on the approved ROPS; and

WHEREAS, on June 18, 2013, the City Council and Successor Agency Board awarded a contract for Project construction management services to The Hanna Group; and

WHEREAS, archeological resource monitoring and mitigation services are included as part of the construction management services to be provided by The Hanna Group; and

WHEREAS, during the course of construction, unexpected additional costs relating to archeological monitoring were incurred due to the extent of archeological resources found during construction; and

WHEREAS, on June 18, 2013 the City Council and Successor Agency Board approved the establishment of an Owner's Reserve for the express purpose of funding construction contingencies and supplemental work for the Project in the amount of \$5,223,724; and

WHEREAS, the Successor Agency budgeted the necessary funds, including State and local grant funds that the Successor Agency was able to secure for the Owner's Reserve for the Project in the Fiscal Year 2013-2014 budget item "Officer Bradley A. Moody Memorial Underpass Project"; and

WHEREAS, by the agenda report accompanying this Joint Resolution ("Agenda Report") the City Council and Successor Agency Board have 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 and Successor Agency Board find the above recitals are true and correct and have served, 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 and Successor Agency Board hereby approve the use of Owner's Reserve funds for contingencies related to archeological monitoring and mitigation services provided through the construction management contract with The Hanna Group.

BE IT FURTHER RESOLVED that the City Council and Successor Agency Board hereby authorize the Executive Director to execute an amendment to the contract with The Hanna Group for construction management, testing and inspection, archeology and public outreach services for the Project to increase the original contract payment limit by \$322,645.39 for a total amount not to exceed \$4,822,068.82.

BE IT FURTHER RESOLVED that the City Council and Successor Agency Board hereby authorize the Executive Director to execute amendments to the contract as needed to facilitate the completion of the Project.

BE IT FURTHER RESOLVED that the City Council and Successor Agency designate the City Clerk as the custodian of the documents and other materials which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the City Clerk at the Richmond City Hall, 450 Civic Center Plaza, Richmond, California 94804.

I certify that the foregoing 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 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 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. 14-5 and 10-14**, finally 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 regular meeting held on February 18, 2014.