

SUCCESSOR AGENCY RESOLUTION NO. 15-4

A RESOLUTION OF THE MEMBERS OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING EXECUTION OF A CONSTRUCTION AGREEMENT WITH O.C. JONES & SONS, INC. FOR CONSTRUCTION OF THE NEVIN AVENUE PEDESTRIAN AND BICYCLE IMPROVEMENTS – 19TH TO 27TH 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 Nevin Avenue Pedestrian and Bicycle Improvements – 19th to 27th Project ("Project") is included in the approved Recognized Obligation Payment Schedule ("ROPS") for the period January 2015 to June 2015 ("ROPS 14-15B") as line item No. 55, approved by the Oversight Board of the Successor Agency at its meeting of September 17, 2014, and in compliance with HSC 34177 (l); and

WHEREAS, the California State Department of Finance, by its letter of October 30, 2014, approved ROPS 14-15B, which approval determined the Project qualifies as an enforceable obligation; and

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

WHEREAS, Successor Agency staff conducted a bid process in accordance with Successor Agency and City policies and desires to award the contract for the construction of the Project to the lowest qualified responsive bidder; and

WHEREAS, the Successor Agency budgeted the necessary funds, including federal and local grant funds that the Successor Agency was able to secure for the construction of the Project, in the 2013-2015 Biennial Budget item “Metrowalk Transit Village Project”; and

WHEREAS, by the agenda report accompanying this Resolution (“Agenda Report”) the Successor Agency Board 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 Successor Agency Board finds 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 Successor Agency Board hereby approves the funds for and awards the contract to O.C. Jones & Sons, Inc. for the construction of the Project in an amount not to exceed \$5,234,450.

BE IT FURTHER RESOLVED that the Successor Agency Board hereby approves the establishment of an Owner’s Reserve for the express purpose of funding contingencies and supplemental work including add alternate bid items for the Project in the amount of \$1,053,368.

BE IT FURTHER RESOLVED that the Successor Agency Board hereby authorizes the expenditure of up to \$6,287,818 as authorized in its approved FY 2013-2015 Biennial Budget for the Project in budget item “Metrowalk Richmond Transit Village Project”.

BE IT FURTHER RESOLVED that the Successor Agency Board hereby authorizes its Executive Director to execute, and make amendments to, the contract as needed to facilitate the completion of the Project.

BE IT FURTHER RESOLVED that the Successor Agency designates 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 Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on the April 7, 2015, by the following vote:

- AYES: Councilmembers Beckles, Martinez, McLaughlin, Pimplé, Vice Mayor Myrick, and Mayor Butt.
- NOES: Councilmembers Bates.
- ABSTENTIONS: None.
- ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE SUCCESSOR AGENCY

(SEAL)

Approved:

TOM BUTT
Successor Agency Chair

Approved as to form:

BRUCE GOODMILLER
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. 15-4** finally passed and adopted by the Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on April 7, 2015.


Pamela Christian
CLERK OF THE SUCCESSOR AGENCY