

SUCCESSOR AGENCY RESOLUTION NO. 15-13

A RESOLUTION OF THE MEMBERS OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING EXECUTION OF A CONTRACT WITH PES ENVIRONMENTAL, INC. FOR STATE MANDATED ENVIRONMENTAL WORK AT VARIOUS LOCATIONS IN MARINA BAY

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 for Area T Soil Remediation and to meet state mandated pollution monitoring and remediation activities of Agency-owned properties ("Project") is included in the approved Recognized Obligation Payment Schedule ("ROPS") for the period July 2015 to December 2015 ("ROPS 15-16A") as line item No. ____, 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 May 15, 2015, approved ROPS 15-16A, which approval determined the Area T Soil Remediation 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 Request for Proposals and subsequent list of professional services process in accordance with Successor Agency and City policies for environmental remediation of the Project, and now desires to award a sole source contract for environmental remediation services during execution of the Project to the most qualified firm whose proposal was determined to be the most advantageous to the Successor Agency and City, taking into consideration the time necessity in performance of the remediation and the firm's unique knowledge of the Project; and

WHEREAS, PES Environmental, Inc. will perform three environmental remediation task areas during FY 2015-2016, as mandated by the State Department of Environmental Control. These areas include Area T Enhanced Product Removal Work, Area T Product Monitoring and analysis work, and analysis and report for the nine deed restricted properties in Marina Bay; and

WHEREAS, the Successor Agency budgeted the necessary funds for the construction of the Project, in the 2015-2017 Biennial Budget item "Area T Soil Remediation 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 PES Environmental, Inc. for State mandated environmental work at various locations in Marina Bay in an amount not to exceed \$186,700.

BE IT FURTHER RESOLVED that the Successor Agency Board hereby authorizes the expenditure of up to \$186,700 as authorized in its approved FY 2015-2017 Biennial Budget for the Project in budget item "Area T Soil Remediation 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 Board at a regular meeting held on June 16, 2015 by the following vote:

AYES: Councilmembers Bates, Beckles, Martinez, McLaughlin, Pimplé,
Vice Mayor Myrick, and Mayor Butt.

NOES: None.

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. 15-13** finally passed and adopted by the Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on June 16, 2015.


CLERK OF THE SUCCESSOR AGENCY