

**SUCCESSOR AGENCY
RESOLUTION NO. 18-3**

**A RESOLUTION OF THE MEMBERS OF THE SUCCESSOR AGENCY TO THE
RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING
EXECUTION OF A CONSTRUCTION AGREEMENT WITH R.V. STICH, INC. FOR
CONSTRUCTION OF THE WALL AVENUE STORM DRAIN IMPROVEMENTS
PROJECT**

WHEREAS, the City of Richmond intends to remove blighted conditions and promote smart growth in the Park Plaza neighborhood by developing 80 permanently affordable units for seniors commonly known as the Miraflores Senior development; and

WHEREAS, the Baxter Creek Phase 1 Project sits within the Miraflores development site and is part of the 4.5 acre Miraflores Sustainable Community Greenbelt project; and

WHEREAS, the Miraflores Greenbelt-Baxter Creek Phase 1 project will include daylighting Baxter Creek and restoring the floodplain, creating an urban forest and open space and habitat in a highly urbanized watershed; and

WHEREAS, the Wall Avenue Storm Drain Project is immediately adjacent to and is an integral part of the Baxter Creek Phase 1 daylighting and realignment development and directly supports the Baxter Creek Phase 1 project; 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 construct the Wall Avenue Storm Drain Improvements Project (“Project”) which is included in the approved Recognized Obligation Payment Schedules (“ROPS”) for the periods July 1, 2018 to June 30, 2019 (ROPS 18-19AB) as line item No. 123 “Miraflores Housing Baxter Creek”, approved by the Successor Agency Board at its meeting of January 16, 2018, and by the Oversight Board of the Successor Agency at its meeting of January 24, 2018, and in compliance with HSC 34177 (l); and

WHEREAS, the California State Department of Finance, by its letter of April 4, 2018, approved ROPS 18-19AB, 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, on May 24, 2018, following the advertised public bid process for construction, R.V. Stich R.V. Stich Construction, Inc. (“R.V. Stich”) demonstrated itself to be the lowest responsive, responsible bidder for the Project, and

WHEREAS, staff desires to award a construction agreement to R.V. Stich for the Project in an amount not-to-exceed \$945,681, which amount is inclusive of a 10% contingency; 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 a construction agreement to R.V. Stich Construction, Inc. for the construction of the Project in the amount of \$859,710.00 for the Base Bid, plus a 10% contingency for a total-not-to-exceed amount of \$945,681.00.

BE IT FURTHER RESOLVED that the Successor Agency Board hereby authorizes the Board Chair or its Executive Director or his designee 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 and Richmond City Council at a regular meeting held on July 17, 2018, by the following vote:

AYES: Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
AND SUCCESSOR AGENCY

(SEAL)

Approved:

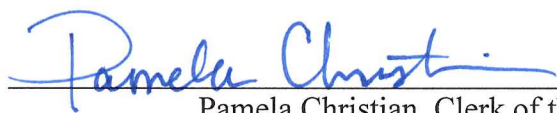
TOM BUTT
Mayor/Successor Agency Chair

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. 18-3**, finally passed and adopted by the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council at a regular meeting held on July 17, 2018.


Pamela Christian, Clerk of the
City of Richmond and Successor Agency