

**RESOLUTION NO. 12-2**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND  
ACTING AS SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY  
REDEVELOPMENT AGENCY, AUTHORIZING EXECUTION OF A CONTRACT  
WITH QUESTA ENGINEERING CORPORATION FOR THE DESIGN AND  
ENGINEERING OF IMPROVEMENTS ALONG NEVIN AVENUE BETWEEN THE  
RICHMOND BART STATION AND 19<sup>TH</sup> STREET**

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**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"). 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 "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**, the Agency, Bay Area Rapid Transit District ("BART") and Richmond Transit, LLC ("Original Developer") entered into a Disposition and Development Agreement dated April 11, 2002 ("Original DDA"), later amended by the Assignment and Assumption Agreement among Agency, BART, Original Developer and Olson 737 – Richmond 132, LLC ("Developer") in which Developer assumed Original Developer's interests and obligations under the Original DDA, dated as of May 9, 2003 and further amended by the Second Amendment to the Disposition and Development Agreement on August 1, 2008 (as amended, the "DDA"), which DDA sets forth the rights and obligations of the parties thereto regarding the development of a mixed-use transit village ("Transit Village") by Developer on certain real property described in the DDA as the "Site"; and

**WHEREAS**, the DDA divided the development of the Transit Village into two phases. The Phase II Improvements (as defined in the DDA) include the design and construction of the Nevin Avenue Improvements BART to 19<sup>th</sup>; and

**WHEREAS**, the Nevin Avenue Improvements BART to 19<sup>th</sup> are required to be constructed by Agency at Agency's expense as provided in the DDA; 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 Section 34173, the City Council elected to become the Successor Agency to the Richmond Community Redevelopment Agency (“Successor Agency”) at its regular meeting of January 24, 2012; and

**WHEREAS**, in compliance with AB 1X 26, the Agency adopted an Enforceable Obligation Payment Schedule (“EOPS”) to allow the Agency to make payments on debts and obligations listed on the EOPS; and

**WHEREAS**, the obligation to design and construct the Nevin Avenue Improvements BART to 19<sup>th</sup> was included in the amended Enforceable Obligations Payment Schedule (“EOPS”) as “Metrowalk Phase II and BART Garage Project”, line item No. 29, adopted by the Agency Board at its regular meeting of January 24, 2012 in compliance with AB 1X 26; and

**WHEREAS**, AB 1X 26 provides that the Successor Agency may make payments on debts and obligations listed on the adopted EOPS; and

**WHEREAS**, Agency staff conducted a selection process in accordance with Agency and City policies and desires to award the contract for the design and engineering of the Nevin Avenue Improvements BART to 19<sup>th</sup> to the responsible bidder whose proposal is determined in writing to be the most advantageous to the Agency, taking into consideration the evaluation factors set forth in the request for proposals.

**NOW, THEREFORE, BE IT RESOLVED**, that the Successor Agency finds the above recitals are true and correct.

**BE IT FURTHER RESOLVED**, that the Successor Agency hereby authorizes the expenditure of \$615,235 as authorized in its approved FY 2011-2012 budget for the Nevin Avenue Improvements BART to 19<sup>th</sup> in line item “Metro Walk (Transit Village)”.

**BE IT FURTHER RESOLVED** that this Resolution shall approve the funds for and authorize the City Manager to execute a contract with Questa Engineering Corporation for the design and engineering of the Nevin Avenue Improvements BART to 19<sup>th</sup> in an amount not to exceed \$615,235.

**BE IT FURTHER RESOLVED** that this Resolution shall authorize the City Manager to make minor amendments to the contract as needed to ensure the completion of the design and engineering of the Nevin Avenue Improvements BART to 19<sup>th</sup>.

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I certify that the foregoing Resolution was passed and adopted by the Richmond City Council as Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting thereof held on February 21, 2012, by the following vote:

AYES: Councilmembers Bates, Beckles, Boozé, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: None.

DIANE HOLMES  
Diane Holmes, City Clerk

(SEAL)

Approved:

GAYLE McLAUGHLIN  
Gayle McLaughlin, Mayor

Approved as to Form:

RANDY RIDDLE  
City Attorney

State of California                    }  
County of Contra Costa            : ss.  
City of Richmond                    }

I certify that the foregoing is a true copy of **Resolution No. 12-2**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 21, 2012.



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Pamela Christian, Clerk of the City of Richmond