

**RESOLUTION NO. 27-08**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA ACCEPTING REDEVELOPMENT FUNDS FOR CERTAIN PUBLIC IMPROVEMENTS TO WEST MACDONALD AVENUE, MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, AND AWARDING A CONTRACT TO BAY CITIES PAVING AND GRADING, INC. IN AN AMOUNT NOT TO EXCEED \$5,560,968 FOR CERTAIN PUBLIC IMPROVEMENTS TO WEST MACDONALD AVENUE

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WHEREAS, the City Council of the City of Richmond (the "City Council") adopted the Amended and Restated Redevelopment Plan for Project Area No. 10-B (Nevin) adopted by Ordinance No. 29-05, dated July 12, 2005 the Amended and Restated Redevelopment Plan for Project Area No. 10-A (Downtown) adopted by Ordinance No. 29-99, dated July 13, 1999 (the "Redevelopment Plans"). The Redevelopment Plans set forth a plan for redevelopment of Project Area No. 10-A (Downtown) and 10-B (Nevin) (the "Project Areas"); and

WHEREAS, the Richmond Community Redevelopment Agency (the "Agency") is 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, it would be beneficial to traffic and pedestrian circulation and safety in the Project Area to make certain public improvements to West Macdonald Avenue from Harbour Way to 19<sup>th</sup> Street as identified in the proposed improvement plans and specifications dated September 10, 2007 and on file with the City Clerk (the "Project Plans"), and the Agency desires to spend funds for the public improvements pursuant to the Project Plans ("Public Improvements"); and

WHEREAS, the Implementation Plan adopted by the Agency specifically identifies the installation of public improvements as a potential project; and

WHEREAS, installation of the Public Improvements conforms with the General Plan of the City; and

WHEREAS, the Agency expenditures for the Public Improvements will assist in the redevelopment of the Project Area and the Public Improvements are necessary to effectuate the purpose of the Redevelopment Plan; and

WHEREAS, pursuant to Health and Safety Code Section 33445, the Agency may, with the consent of the City Council, pay part or all of the cost of the Public Improvements if the City Council makes certain specified findings; and

WHEREAS, a Notice of Exemption was duly filed on October 16, 2007 with the county clerk and the State of California; and

WHEREAS, by staff report accompanying this Resolution and incorporated into this Resolution by this reference (the "Staff Report"), the City Council has been provided with additional information upon which the findings and actions set forth in this Resolution are based; and

WHEREAS, the City Engineer conducted a bid process in accordance with City policies and desires to award the contract for the construction of Public Improvements to the lowest qualified bidder; and

WHEREAS, the Agency budgeted the necessary funds to construct the Public Improvements and such funds are authorized in its approved FY 2007-2008 budget.

NOW, THEREFORE, BE IT RESOLVED, that the Richmond City Council finds the above recitals are accurate.

BE IT FURTHER RESOLVED, that the City Council hereby finds and determines, pursuant to Health and Safety Code Section 33345, that: (a) the Public Improvements will be of benefit to the Project Area; (b) no other reasonable method of financing the Public Improvements is available to the community; (c) the Public Improvements will assist in the elimination of one or more blighting conditions inside the Project Area; and (d) the Agency assistance for the Public Improvements is consistent with the Agency's current Implementation Plan.

BE IT FURTHER RESOLVED, that the City Council directs the City Engineer to award the bid to Bay Cities Paving and Grading Inc. in an amount not-to-exceed \$5,560,968 for construction of the Public Improvements and authorizes the City Manager to enter into a contract for same.

BE IT FURTHER RESOLVED that the City Council designates the City Clerk as the custodian of the documents and other material, including the Staff Report and Project Plans, 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, 1401 Marina Way South, Richmond, California 94804.

BE IT FURTHER RESOLVED that this Resolution shall take immediate effect from and after its passage.

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I certify that the foregoing Resolution was passed and adopted by the Richmond City Council at a joint meeting of the Redevelopment Agency held on March 18, 2008, by the following vote:

AYES: Councilmembers/Members Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin  
NOES: None  
ABSTENTIONS: None  
ABSENT: None

DIANE HOLMES  
Agency Clerk/Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE McLAUGHLIN  
Mayor/

Approved as to Form:

LOUISE RENNE, Interim  
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. 27-08, finally passed and adopted by the Council of the City of Richmond at a joint meeting held on March 18, 2008.