

RESOLUTION NO. 102-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA APPROVING THE USE OF REDEVELOPMENT FUNDS FOR CERTAIN ADDITIONAL PUBLIC IMPROVEMENTS TO NEVIN PARK, MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, AND AUTHORIZING A CONTRACT AMENDMENT WITH BAY CITIES PAVING AND GRADING, INC. FOR \$ 470,165 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$3,293,034 FOR CERTAIN PUBLIC IMPROVEMENTS TO NEVIN PARK.

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 "Redevelopment Plan"). The Redevelopment Plan sets forth a plan for redevelopment of Project Area No. 10-B (Nevin) (the "Project Area"); and

WHEREAS, the Richmond Community 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, the Implementation Plan adopted by the Agency specifically identifies the installation of the 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, on October 11, 2007 a Notice of Exemption was duly filed with the county clerk and the State of California; and

WHEREAS, on January 29, 2008 the City Council and Agency Board approved: (1) City Resolution approving the use of redevelopment funds, making findings and approvals and awarding a contract to Bay Cities Paving and Grading, Inc., in an amount not to exceed \$2,822,868.60 for public improvements to Nevin Park; and (2) Agency Resolution approving the expenditure of funds and making findings and approvals for certain public improvements to Nevin Park; 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 Agency budgeted the necessary funds to construct the Public Improvements.

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) Agency assistance for the Public Improvements is consistent with the Agency's current Implementation Plan.

BE IT FURTHER RESOLVED, that the members of the Richmond City Council direct the City Engineer to amend the contract with Bay Cities Paving and Grading Inc. in an amount not to exceed \$470,165 for a total Amendment contract amount not to exceed \$3,293,034 for construction of the additional Public Improvements and authorize the City Manager to enter into a contract Amendment for same and to delegate the administration of the contract to the City Engineer and the Redevelopment Agency.

BE IT FURTHER RESOLVED that the City Council designates the City Clerk as the custodian of the documents and other material 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.

I certify that the foregoing Resolution was passed and adopted by the Richmond City Council at a regular meeting held on September 16, 2008, by the following vote:

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

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to Form:

LOUISE RENNE
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. 102-08, finally passed and adopted by the Council of the City of Richmond at a joint meeting of the Redevelopment Agency at a meeting held on September 16, 2008