

**RESOLUTION NO.72-10**

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA  
APPROPRIATING FUNDS RECEIVED FROM UPSTREAM PT. MOLATE LLC TO  
PAY FOR CERTAIN PROFESSIONAL AND LEGAL SERVICES CONTRACTS  
PREVIOUSLY APPROVED BY THE COUNCIL ASSOCIATED WITH THE LAND  
DISPOSITION AGREEMENT**

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WHEREAS, the Fourth Amendment to the Land Disposition Agreement (“LDA”)between the City of Richmond and Upstream Pt. Molate LLC (“Upstream”) required Upstream to pay \$90,000 per month for the City’s ongoing expenses associated with the LDA; and

WHEREAS, on March 26, 2010, the City of Richmond entered into a \$10,000 contract with Wiss, Janney, Elstner, Associates, Inc. (WJE) for the preparation of a Point Molate Emergency Stabilization Plan for the Winehaven Historical District; and

WHEREAS, on April 6, 2010, the City Council approved a contract amendment with Scharff, Brady, and Vinding for a total amount not to exceed \$102,500 for legal advice related to State and Federal approvals for Indian gaming related to the Pt. Molate project; and

WHEREAS, of the \$90,000 Upstream has been paying per month since January 2010, \$10,000 a month was intended to cover professional services expenses associated with the LDA; and

WHEREAS, of the \$90,000 Upstream has been paying since January 2010, \$20,000 a month was intended to cover the City’s costs associated with emergency building stabilization activities of the historic structures on the Pt. Molate site; and

WHEREAS, the Sixth Amendment to the Land Disposition Agreement (“LDA”) increased Upstream’s monthly payments beginning May 21, 2010, to \$115,000 a month for the City’s ongoing expenses associated with the LDA;

**NOW, THEREFORE BE IT RESOLVED**, that the Council of the City of Richmond, California, authorizes (1) the appropriation and expenditure of \$80,000 in the 2009/2010 fiscal year budget for the estimated expenses for this fiscal year’s Scharff, Brady, and Vinding legal services; and 2) the appropriation of \$10,000 in the 2009/2010 fiscal year budget for the estimated expenses for this fiscal year’s Wiss, Janney, Elstner, Associates, Inc. expenses.

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I certify that the foregoing Resolution was passed and adopted by the Members of the City Council of the City of Richmond, California at a regular meeting held on June 15, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Rogers, Viramontes,  
Vice Mayor Ritterman, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES  
Clerk of the City of Richmond

[Seal]

APPROVED

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. 72-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 15, 2010.