

**RESOLUTION NO. 29-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND ACTING AS SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY, AUTHORIZING AN AMENDMENT OF A CONTRACT WITH AN WEST, INC. FOR THE DESIGN AND ENGINEERING OF A CLASS II AND III BICYCLE FACILITY ALONG BARRETT AVENUE FROM GARRARD BOULEVARD EAST TO SAN PABLO 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 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 Board authorized the award of a contract to AN West, Inc. for the design and engineering of a Class II and III bicycle facility along Barrett Avenue from Garrard Boulevard east to San Pablo Avenue (the "Barrett Avenue Bicycle Lanes Project") in the amount of \$80,988 at its regular meeting of April 7, 2009; 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**, the obligation to design and construct the "Barrett Avenue Bicycle Lanes Project" was included in the amended Enforceable Obligation 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 and 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**, additional design work, including signal modification plans and revisions to the project specifications are required to complete the design phase of the Barrett Avenue Bicycle Lanes Project.

**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 amendment of the aforementioned contract with AN West, Inc. for the Barrett Avenue Bicycle Lanes Project design phase to add \$63,994 for signal design and project document revisions relating to Federal aid requirements, for a total contract amount not to exceed \$144,982 as authorized in its approved Fiscal Year 2011-2012 budget line item Metrowalk Transit Village.

**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 Barrett Avenue Bicycle Lanes Project.

**BE IT FURTHER RESOLVED**, that the Successor Agency 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, 450 Civic Center Plaza, Richmond, California 94804.

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I certify that the foregoing Resolution was passed and adopted by the City Council as Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on March 20, 2012 by the following vote:

AYES: Councilmembers Beckles, Butt, Ritterman, and Vice Mayor Rogers.  
NOES: Councilmember Bates.  
ABSTENTIONS: Councilmember Booze.  
ABSENT: Mayor McLaughlin.

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. 29-12, finally passed and adopted by the City Council as Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on March 20, 2012.