

RESOLUTION NO. 59-12

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 NICHOLS CONSULTING ENGINEERS, CHTD. FOR SOIL GAS EVALUATION AT VARIOUS LOCATIONS IN MARINA BAY

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 former Richmond Community Redevelopment Agency (the “Agency”) was responsible for administering the Redevelopment Plan to cause the redevelopment of the Project Area, including ongoing maintenance and monitoring of properties consistent with the Redevelopment Plan; and

WHEREAS, the Marina Bay Soil Gas Evaluation Project (the “Project”) is in the Project Area and is being conducted under an approved work plan by the State Department of Toxic Substances Control; and

WHEREAS, the Project will support the development and improvement of areas within Marina Bay such as Shimada Friendship Park and Peninsula Drive; 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 continue to conduct environmental testing and remediation in Marina Bay was included in the amended Enforceable Obligations Payment Schedule (“EOPS”) as “Marina Bay Project”, line item No. 25, adopted by the former 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, Successor Agency staff conducted a focused solicitation to those firms on the former Agency's pre-approved vendors list, this selection process was in accordance with City policies, and the Successor Agency desires to award the contract for the Project to the responsible bidder whose proposal is determined in writing to be the most advantageous to the Successor Agency, taking into consideration the environmental remediation needs within specific areas of Marina Bay as determined in the DTSC Work Plan; and

WHEREAS, Nichols Consulting Engineers, Chtd. has significant experience and knowledge in environmental remediation generally, and in Marina Bay, specifically.

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 \$142,426.10 as authorized in its approved FY 2011-2012 budget for the Marina Bay Soil Gas Evaluation Project in line item "Project Monitoring".

BE IT FURTHER RESOLVED that this Resolution shall approve the funds for and authorize the City Manager to execute a contract with Nichols Consulting Engineers, Chtd. for the Project in furtherance of the State DTSC Work Plan in an amount not to exceed \$142,426.10.

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 Project within Marina Bay.

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 May 15, 2012, by the following vote:

AYES: Councilmembers Bates, Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, 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:

BRUCE GOODMILLER
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. 59-12, finally passed and adopted by the City Council as Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on May 15, 2012.