

RESOLUTION NO. 104-12

A RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY APPROVING AND ADOPTING A CORRECTED RECOGNIZED OBLIGATION PAYMENT SCHEDULE COVERING THE PERIOD JANUARY-JUNE 2013, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(I)

WHEREAS, pursuant to Health and Safety Code Section 34173, the City of Richmond created the Successor Agency to the Richmond Community Redevelopment Agency (“Successor Agency”) by Resolution No. 4-12 on January 24, 2012; and

WHEREAS, Health and Safety Code Section 34177(m) requires the Successor Agency to prepare a recognized obligation payment schedule (“ROPS”), before each six-month fiscal period, forward looking to the next six months; and

WHEREAS, Health and Safety Code Section 34177(l)(2)(b) requires the Successor Agency to submit the ROPS to the Successor Agency’s oversight board for its approval, and upon such approval, the Successor Agency is required to submit a copy of the approved ROPS (“Approved ROPS”) to the Contra Costa County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and post the Approved ROPS on the Successor Agency’s website; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, by the Agenda Report accompanying this Resolution, the Successor Agency has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. CEQA Compliance. The approval of the ROPS through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Contra Costa, California, within five (5) days following the date of adoption of this Resolution.

Section 3. Approval of Initial Draft of the ROPS. The Successor Agency hereby approves and adopts the ROPS for the period January-June 2013, in substantially the form attached to this Resolution as Exhibit A, as required by Health and Safety Code Section 34177.

Section 4. Transmittal of Initial Draft of the ROPS. The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution and comply with applicable law regarding the ROPS, including submitting the ROPS to the Successor Agency’s oversight board for approval, and submission of the Approved ROPS to the Contra Costa County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and posting the Approved ROPS on the Successor Agency’s website.

Section 5. Effectiveness. This Resolution shall take effect immediately upon its adoption.

I certify that the foregoing Resolution was passed and adopted by the members of the City Council of the City of Richmond at a regular meeting held on September 11, 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. 104-12**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on September 11, 2012.

EXHIBIT A

RECOGNIZED OBLIGATION PAYMENT SCHEDULE

[Attached behind this page]

Successor Agency Contact Information

Name of Successor Agency: Richmond
County: Contra Costa

Primary Contact Name: Patrick Lynch
Primary Contact Title: Director
Address: 440 Civic Center Plaza
Richmond, CA 94804-1630

Contact Phone Number: 1-510-412-2053
Contact E-Mail Address: patrick_lynch@ci.richmond.ca.us

Secondary Contact Name: Ted Ferrer
Secondary Contact Title: Sr. Accountant
Secondary Contact Phone Number: 1-510-307-8124
Secondary Contact E-Mail Address: ted_ferrer@ci.richmond.ca.us

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE
 Filed for the January 1, 2013 to June 30, 2013 Period

Name of Successor Agency:

Richmond

Outstanding Debt or Obligation	\$	324,727,224	Total Outstanding Debt or Obligation
Current Period Outstanding Debt or Obligation		Six-Month Total	
A Available Revenues Other Than Anticipated RPTTF Funding		21,302,736	
B Anticipated Enforceable Obligations Funded with RPTTF		20,623,577	
C Anticipated Administrative Allowance Funded with RPTTF		697,150	
D Total RPTTF Requested (B + C = D)		21,320,727	
E Total Current Period Outstanding Debt or Obligation (A + B + C = E) Should be the same amount as ROPS form six-month total	\$	42,623,462	
F Enter Total Six-Month Anticipated RPTTF Funding (Obtain from county auditor-controller)		8,446,433	
F Variance (E - D = F) Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding	\$	(12,876,294)	
Prior Period (January 1, 2012 through June 30, 2012) Estimated vs. Actual Payments (as required in HSC section 34186 (a))			
G Enter Estimated Obligations Funded by RPTTF (Should be the lesser of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)		7,954,730	
H Enter Actual Obligations Paid with RPTTF		7,526,172	
I Enter Actual Administrative Expenses Paid with RPTTF		429,558	
J Adjustment to Redevelopment Obligation Retirement Fund (G - (H + I) = J)		-	
K Adjusted RPTTF (The total RPTTF requested shall be adjusted if actual obligations paid with RPTTF are less than the estimated obligation amount.)	\$	21,320,727	

Certification of Oversight Board Chairman:
 Pursuant to Section 34177(m) of the Health and Safety code,
 I hereby certify that the above is a true and accurate Recognized
 Obligation Payment Schedule for the above named agency.

Linda Jackson - Whitmore

Chair

Signature

Date

Name of Successor Agency:
County:

Reformed
County Code

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS III)
January 1, 2013 through June 30, 2013

Original Board Approval Date:

Item #	Project Name / Debt Obligation	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-13	Funding Sources								
									Lihtif	Bond Proceeds	Reserve Balance	Admin	RPTTE	Other	Sub-Grant Total		
Grand Total							\$ 324,727,224	\$ 89,847,288									
83	Terminal One Project	01/2008	12/31/2012	Grub, Henry	Legal services		28,085	16,726									
84	Terminal One Project	02/2008	03/2012	Grub, Henry	Engineering services		195,330	81,290									
85	Area 1 Red Renovation	01/2010	12/31/2012	Grub, Henry	Consulting services		1,127,743	100,000									
86	Area 1 Red Renovation	01/2010	12/31/2012	Grub, Henry	Contracting/consulting of construction site		19,058	12,200									
87	Project Area Streetscapes	01/2008	12/31/2012	Grub, Henry	Construction services		4,880	3,241									
88	Project Area Streetscapes	01/2008	12/31/2012	Grub, Henry	Construction services		116,235	80,700									
89	Project Area Streetscapes	01/2007	12/31/2012	Grub, Henry	Construction services		88,235	48,428									
90	Project Area Streetscapes	01/2007	12/31/2012	Grub, Henry	Construction services		116,235	80,700									
91	Project Area Streetscapes	01/2011	12/31/2012	Grub, Henry	Construction services		2,432,845	420,000									
92	North Court Project (General)			CHDC (Community Housing Development Council) to construct approx. 30 Lowland Homes			189,432										
93	Professional services			Various			4,781										
94	Management fees			Various			750										
95	Printing & Binding			Various			3,790										
96	Printing & Binding			Various			1,860										
97	Construction/Utility/Training			Various			9,278										
98	Construction/Utility/Training			Various			4,788										
99	Subscriptions			Various			7,260										
100	Subscriptions			Various			960										
101	Advertising & Comm. Prom.			Various			833										
102	Advertising & Comm. Prom.			Various			3,821										
103	Advertising & Comm. Prom.			Various			300										
104	Advertising & Comm. Prom.			Various			10,129										
105	Advertising & Comm. Prom.			Various			5,125										
106	Advertising & Comm. Prom.			Various			2,898										
107	Advertising & Comm. Prom.			Various			3,412										
108	Advertising & Comm. Prom.			Various			4,272										
109	Advertising & Comm. Prom.			Various			68,871										
110	Advertising & Comm. Prom.			Various			117,148										
111	Advertising & Comm. Prom.			Various			100,000										
112	Advertising & Comm. Prom.			Various			389,700										
113	Advertising & Comm. Prom.			Various			860,172										

<p>59 Bradley A Moody Memorial Underpass Project</p>	<p>Represents an obligation to construct the Officer Bradley A. Moody Memorial Underpass. This project is intended to resolve major health and safety issues that currently result from freight train blockages of traffic for 20-30 minutes at a time with no alternate ingress and egress to the entire South Shoreline area of Richmond. The project will allow emergency and law enforcement vehicles (the Richmond Hall of Justice is located in the South Shoreline area) to access the area unimpeded. The project will also improve access to proposed Water Emergency Transit Authority (WETA) facilities. The obligation for the City, as the Agency's successor, to complete this project is documented in the Trade Corridors Improvement Fund Baseline Agreement between the Agency and the California Department of Transportation (Caltrans). This agreement was executed May 4, 2008, and provides for the provision of \$16.975 million in State Proposition 1B funding for this project, which represents approximately half of the estimated construction costs. The agreement also provides that the Agency is required to fund the balance of project costs. The Agency, on behalf of the City, has already acquired the necessary right-of-way for the project and associated utility relocation. A settlement agreement between Pulse Home Corporation and the City of Richmond dated May 5, 2011, provides right-of-way and \$2.75 million for construction of the project. If the project does not proceed, these funds must be returned to Pulse Home Corporation. Right-of-way has also been acquired from the State Department of Health Services of utility relocations. In addition, more than \$2.7 million has already been spent for design of this project and utility relocation work, which must be completed prior to construction. Construction is currently approximately 80% complete. The utilities have invested significant sums to relocate their facilities and should the project not be constructed, the City would likely be required to compensate the utilities for this work.</p>
<p>66 Miraflores Project (Housing)</p>	<p>Is related to obligations set forth in Exclusive Right to Negotiate (ERN) agreements among the Agency and Community Housing Development Corporation of North Richmond and Eden Housing Inc. for the construction of 80 units of senior housing at the Miraflores site, a 14-acre Brownfields property. The original ERN was executed on June 28, 2008, with the most recent amendment executed on January 4, 2011. Funding agreements with the US Environmental Protection Agency (EPA), US Department of Housing and Urban Development and the California Pollution Control Finance Agency (CPCFA) obligate the City, as the Agency's successor, to complete hazardous materials remediation at the Miraflores site and to construct affordable senior and infill housing on the site by 2015, or face default and possible repayment penalties under the various grants and loans awarded for this project. The EPA Revolving Loan Fund Program loan was executed on February 16, 2011 and the CAL RAUSE Infill Grant Agreement was executed on October 18, 2010. Significant HUD Community Development Block Grant and HOME funds have been used for costs related to the environmental characterization of the site and preparation of California Environmental Quality Act review documents. An Environmental Impact Report was prepared and certified for the development, allowing for the construction of up to 536 affordable housing units and the programming of 4 acres of green space, including creek restoration. The 80-unit affordable senior housing component of the development has completed all required land use and architectural review and is fully entitled. The development project has also gone through extensive review and documentation in compliance with Section 106 of the National Historic Preservation Act. A Memorandum of Agreement with the State SHPO, executed in January, 2008, stipulates that the development must include the adaptive reuse of historic structures where feasible. The Agency entered into a Voluntary Cleanup Agreement with the Department of Toxic Substances Control on October 31, 2005 to develop and implement a remedial action plan that would ensure the clean up of hazardous materials contamination left on the site by its previous owners. Site remediation is underway and will be completed by fall 2012. The acquisition of the Miraflores site in 2008 (using Agency bond funds), CEQA review, historic preservation, property management and Brownfields remediation costs to date, represent over \$13 million in State, Federal and local agency investments. As noted above, various funding agreements stipulate that the development project must be built by 2015. Failure to meet these obligations may result in a breach of these funding agreements and significant legal exposure for the return of funding dollars to State and Federal agencies.</p>
<p>62 Nevin Court Project (Housing)</p>	<p>Obligation is currently set forth in development loan agreements by and among the City, the Agency and Community Housing Development Corporation of North Richmond (CHDC), executed on April 4, 2007 and September 10, 2010, respectively. The loan is an obligation of the Agency approved by the Agency Board and City Council on April 3, 2007 and May 5, 2009, respectively. 30 low- and moderate-income units (referred to as Nevin Court) Nevin Court consists of several parcels located at the corner of 1st Street and Nevin Avenue. This development is one of several completed affordable housing and revitalization projects located adjacent to the main corridor of Macdonald Avenue. Per our regulatory agreement with CHDC dated May 1, 2005, the completion of Nevin Court, a 30-unit permanently affordable multifamily complex for low- to moderate-income households still remains for this transit-oriented development. City/Agency contributions for specific revitalization projects completed in this area include the rehabilitation of the East Bay Center for the Performing Arts (\$3.2 million), rehabilitation of Nevin Park (\$6 million), construction of Trinity Plaza (\$20 million), construction of 66 permanently affordable units for very low-income seniors (\$4.7 million), and construction of Lilla Mae Jones Plaza, a 28-unit serviced enriched affordable housing complex for very low income families (\$3.2 million). In addition to City and Agency funding, funding obligations to this project include resources from NeighborWorks America, USBC, and Liff Enterprises.</p>
<p>ROPS I Reconciliation - RTTPF</p>	
<p>Total The Corrected ROPS I (approved by Oversight Board 5-17-12) supported \$7,879,865 in tax distributions due from County. However, the County July demand billing statement only funded a net \$7,525,172. This reconciliation reports the spending of actual net receipts from County.</p>	
<p>The summary schedule also reconciles to net receipts from the County.</p>	
<p>ROPS I Reconciliation - Other Funding Sources</p>	
<p>Total The Corrected ROPS I (approved by Oversight Board 5-17-12) had a funding error on page two. The total of listed "Other" funding sources is \$10,824,798, not \$1,704,330 as originally submitted.</p>	
<p>2-18 Actual indirect cost allocations in excess of the admin tax distribution have been reported here as "Other" and were backfilled from a City source.</p>	

Page#	Project Name / Dept Objective	Funds	Department/Project Report	Funds A/V		Lump		Bond Proceeds		Region Balance		Admin Expenses		PRTS		Other	
				Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
1	24 1st 1/2 Year Data Project	100	Capital Cost														
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