

**RESOLUTION NO. 43-07**

**RESOLUTION OF THE RICHMOND CITY COUNCIL, RICHMOND, CALIFORNIA, APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE DESIGN-BUILD AGREEMENT WITH RICHMOND CIVIC CENTER PARTNERS LLC FOR PHASE ONE A OF THE CIVIC CENTER PROJECT**

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WHEREAS, the City of Richmond, following a Request for Qualifications released on January 27, 2005, selected Richmond Civic Center Partners, LLC, as the development team for the Civic Center Project, and the City Council approved Richmond Civic Center Partners LLC as the developer for the Civic Center Project; and

WHEREAS, the City of Richmond entered into an Exclusive Right to Negotiate ("ERN") with Richmond Civic Center Partners, LLC, on July 29, 2005; and

WHEREAS, the City of Richmond subsequently entered into an Agreement to Negotiate ("ANE") with Richmond Civic Center Partners, LLC, on November 15, 2005; and

WHEREAS, the City of Richmond approved the First Amendment to the ANE on March 28, 2006; and

WHEREAS, the City of Richmond approved the Second Amendment to the ANE on September 12, 2006; and

WHEREAS, the City of Richmond approved the Third Amendment to ANE on November 2, 2006; and

WHEREAS, the City Council has adopted a resolution finding that the Civic Center Project is a "Master Development Project" within the meaning of Section 2.52.100 of the Richmond Municipal Code.

WHEREAS, the City Council approved the Design-Build Agreement for Phase One A of the Civic Center Project (the "Agreement") , which included design and entitlements for the Project, as well as demolition, seismic upgrades and abatement work on December 19, 2006; and

WHEREAS, the City entered into the Design-Build Agreement for Phase One A of the Civic Center Project (the "Agreement") , dated December 19, 2006; and

WHEREAS, the City Council now wishes to amend the "Agreement" to add up to \$1.54 million to ensure the timely completion of seismic retrofit work in the City Hall.

NOW, THEREFORE the City Council of the City of Richmond hereby takes the following actions:

Section 1. The City Council hereby approves the First Amendment to the Design-Build Agreement for Phase One A of the Civic Center Project in substantially the form attached hereto as Exhibit A and incorporated herein by reference, subject to any minor technical and clarifying changes approved by the City Manager and City Attorney, and authorizes the City Manager to execute the Agreement.

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The foregoing resolution was passed and adopted by the Richmond Community  
Redevelopment Agenda and the City Council of the City of Richmond, California  
at a joint meeting held on April 17, 2007, by the following vote:

AYES: Councilmembers Bates, Lopez, Marquez, Rogers,  
Sandhu, Thurmond, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: Councilmembers Butt and Viramontes

DIANE HOLMES  
Clerk of the City of Richmond

(SEAL)

APPROVED:

GAYLE McLAUGHLIN  
Mayor

Approved as to form:

LOUISE RENNE, Interim  
City Attorney

State of California            }  
County of Contra Costa       : ss.  
City of Richmond             }

I certify that the forgoing is a true copy of Resolution No. 43-07, finally  
passed and adopted by the Council of the City of Richmond/Redevelopment  
Agency at a joint meeting held on April 17, 2007.