

RESOLUTION NO. 136-21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, TO APPROVE THE SECOND AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN CONTRA COSTA COUNTY AND THE CITY OF RICHMOND AND ITS ALLOCATION OF COSTS FOR THE REPAIR OF THE NORTH RICHMOND PUMP STATION AND APPROVE CONTRACT AMENDMENT #2 WITH PETERSEN POWER TO PERFORM THE EMERGENCY REPAIRS IN AN AMOUNT NOT TO EXCEED \$1,800,000 TO BE PAID WITH THE USE OF AMERICAN RESCUE PLAN ACT FUNDING.

WHEREAS, on April 16, 1974, the City of Richmond (“City”) and Contra Costa County (“County”) entered into a Joint Exercise of Powers Agreement (the “Agreement”) for the purpose of setting forth the respective responsibilities of City and County regarding the construction, operation, and maintenance of a storm drainage system and pump station in the North Richmond area of the County; and

WHEREAS, under the Agreement, the County is responsible for operating and maintaining the pump station; and

WHEREAS, the City and the County share in the cost of the operation and maintenance of the pump station; and

WHEREAS, in recent years the pump station engines have required expensive repairs to continue operating, have outlived their useful life, and need to be replaced at a cost significantly higher than historical annual maintenance costs; and

WHEREAS, on July 7, 2020, by adopting Resolution 72-20, the City Council declared the condition and imminent failure of the pump station a local emergency and entered into a contract with Peterson Power Systems, Inc. to perform the pump engine replacement work on behalf of the City and the County (the “Repair Contract”); and

WHEREAS, on July 14, 2020, the City and the County amended the Agreement (“First Amended Agreement”) to provide for County to pay a portion of the amounts coming due under the Repair Contract, and for the City to reimburse County over a period of years for the amounts County will pay for the replacement of the pump engines; and

WHEREAS, the City and the County desire to further amend the Agreement to increase the maximum amount County will pay under the Repair Contract and to require the City to add the County as an additional insured and bond beneficiary under the Repair Contract (“Second Amended Agreement”); and

WHEREAS, after Peterson Power began working on the pump station, it was determined that the pumps required more work than was originally budgeted (\$833,315) and would cost more than twice the initial project amount, bringing the total cost to just under \$1,800,000; and

WHEREAS, the City and Peterson Power, desire to amend the Repair Contract to provide for additional funds necessary to perform the required work to the pump station and cause the County to be named as an additional insured and bond beneficiary (Second Amended Repair Contract”); and

WHEREAS, staff has reviewed the requirements of the American Rescue Plan Act ARPA (31 CFR § 35) and is of the opinion that this project would qualify as a permitted use of funds to provide necessary water and sewer infrastructure.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richmond hereby approves of the proposed Second Amended Agreement, whereby the County agrees to make payments for the pump station engine repairs made under the Repair Contract up to \$1,800,000, and the City shall cause the Repair Contract contractor to name County as additional insured and bond beneficiary under the Repair Contract.

BE IT FURTHER RESOLVED that the City Council of the City of Richmond hereby approves the proposed Second Amended Repair Contract to name the County as an additional insured and bond beneficiary under the Repair Contract, and to amend the payment limit under the Repair Contract to an amount not to exceed \$1,800,000.

BE IT FURTHER RESOLVED this project will be funded by the American Rescue Plan Act and the FY 2021-22 Water Resource Recovery Budget, to the extent necessary, amended in the amount of \$1,800,000 for costs associated with this project.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held November 23, 2021, by the following vote:

AYES:	Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor

Approved as to form:

TERESA STRICKER
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. 136-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 23, 2021.



Pamela Christian, Clerk of the City of Richmond

CLERK'S
CERTIFICATE

I, Pamela Christian, City Clerk of the City of Richmond, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of **Resolution No. 136-21** duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 23rd day of November, of which meeting all the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:	Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

An agenda of said meeting was posted before said meeting at City Hall, 450 Civic Center Plaza in the City of Richmond, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

Such agenda was further posted, and such meeting was conducted in accordance with and pursuant to Assembly Bill 361, issued by the Governor of the State of California on September 15, 2021, that allowed cities to continue to hold public meetings via teleconferencing.

I have carefully compared the foregoing with the original on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting.

Said resolution has not been amended, modified, or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: November 29, 2021.



City Clerk of the City of Richmond

[SEAL]