

**RESOLUTION NO. 70-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, ACCEPTING AND APPROPRIATING THE ADDITIONAL URBAN FLOOD PROTECTION GRANT AWARD OF \$631,400 FOR THE FLOOD RISK REDUCTION IN THE RHEEM CREEK WATERSHED PROJECT; AND APPROVING AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH UST TESTING SERVICES, INC. FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,535,990, AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO APPROVE CONSTRUCTION CHANGE ORDERS, IF NECESSARY, UP TO AN AMOUNT OF \$18,000; AND APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH AMERICAN RIVERS TO INCREASE THE CONTRACT AMOUNT BY \$148,200 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$448,700**

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**WHEREAS**, the Flood Risk Reduction in the Rheem Creek Watershed Project is an environmental repair initiative designed not only to restore natural habitats but also to significantly enhance flood control, thereby providing increased protection and safety to area residents; and

**WHEREAS**, the Flood Risk Reduction in the Rheem Creek Watershed Project has been long awaited by area residents and project partners, reflecting a shared commitment to sustainable environmental practices and improved community safety; and

**WHEREAS**, the City has secured grant funding for the Flood Risk Reduction in the Rheem Creek Watershed Project, demonstrating a firm commitment to utilize these resources effectively and deliver the project in accordance with community expectations and environmental standards; and

**WHEREAS**, the City has established a contract with UST Testing Services, Inc. for necessary construction efforts aimed at flood mitigation in the Rheem Creek Watershed Project; and

**WHEREAS**, the project has encountered unforeseen delays and requirements leading to additional financial and logistical needs beyond the original scope; and

**WHEREAS**, it is crucial to adjust the project budget to address these needs and ensure the successful completion of the project;

**WHEREAS**, the City has secured additional grant funding for the project to help cover the additional costs incurred due to the delays;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council finds the above recitals are true and correct and have served, together with the Agenda Report, as the basis for the findings and actions set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the City Council hereby approves acceptance and appropriation of additional grant funds in the amount of \$631,400 from the California Natural Resources Agency, bringing the total grant award from \$1,598,844 to \$2,230,244.

**BE IT FURTHER RESOLVED** that the City Council hereby approves a contract amendment with UST Testing Services, Inc. in the amount of \$179,481 for a new total contract amount not to exceed \$1,535,990 to accommodate the additional costs incurred.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the Public Works Director to approve additional change orders up to \$18,000, updating the total authorized for change orders to a new, potential contract not-to-exceed amount of \$1,535,990 to ensure flexibility in project management and response to any further unforeseen challenges.

**BE IT FURTHER RESOLVED** that the City Council approves an amendment to the contract with American Rivers in the amount of \$148,200, for a new total contract amount not to exceed amount of \$448,700 to support their continued involvement and critical contributions to the project through its completion.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the City Manager, or their designee, to execute and make amendments to the contracts as needed to facilitate the completion of the Project.

**BE IT FURTHER RESOLVED** that the City Council designates the City Clerk as the custodian of the documents and other materials 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.

**BE IT FURTHER RESOLVED** that the City Council approve this resolution shall take effect immediately upon its passage.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 25, 2024, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Willis, Zepeda,  
Vice Mayor Jimenez, and Mayor Martinez.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

EDUARDO MARTINEZ  
Mayor

Approved as to form:

DAVE ALESHIRE  
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. 70-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on June 25, 2024.

  
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Pamela Christian, Clerk of the City of Richmond