

**RESOLUTION NO. 108-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, AUTHORIZING A SECOND AMENDMENT TO THE CONSTRUCTION CONTRACT WITH GHILOTTI BROS., INC. FOR THE YELLOW BRICK ROAD PROJECT FOR AN INCREASED AMOUNT OF \$40,000 FOR AN AMENDED TOTAL CONTRACT AMOUNT NOT TO EXCEED \$7,717,134.37; ACCEPT THE YELLOW BRICK ROAD PROJECT AS COMPLETE; AND TRANSFER FUNDS IN THE GENERAL CAPITAL FUND FROM THE YELLOW BRICK ROAD PROJECT (29113) TO THE YELLOW BRICK ROAD – CLEAN, GREEN AND BEAUTIFUL PROJECT (23032) IN THE AMOUNT OF \$23,521.36; AND APPROPRIATE \$54,439.32 FROM THE GENERAL CAPITAL FUND BALANCE FOR PROJECT 23032**

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**WHEREAS**, the Yellow Brick Road Project (Project) is the first phase in the City's effort to implement the Yellow Brick Road Iron Triangle Walkable Neighborhood Plan, which was adopted by the City Council on May 19, 2015; and

**WHEREAS**, the Project is a community led effort to designate and implement safe walking and bicycling routes for Iron Triangle Neighborhood residents to increase walking and bicycling modes of transportation to and from places of interest including schools, parks, downtown Richmond (including health care facilities, shopping destinations, Post Office, etc.), the Richmond multimodal station, the Richmond Greenway, and the Bay Trail; and

**WHEREAS**, the Project limits are 7th Street from Ripley Avenue to Pennsylvania Avenue, 8th Street from Ohio Avenue to Lincoln Avenue, and Pennsylvania Avenue from 2nd Street to Harbour Way. The scope of work includes pedestrian safety improvements including crosswalks, traffic circles, bulbouts, sidewalk and roadway improvements, striping, traffic and pedestrian signals and lighting, and storm drain improvement; and

**WHEREAS**, on March 21, 2021, City Council awarded a construction contract to Ghilotti Bros., Inc., for the Yellow Brick Road Project for an amount not to exceed \$7,542,695.05, including construction contingencies; and

**WHEREAS**, during construction, delays and unforeseen existing conditions required that additional work be performed outside of the original contract scope. On April 16, 2024, City Council approved the first amendment to the construction contract with Ghilotti Bros., Inc. to increase the contract in the amount of \$134,439.32, for an amended total contract amount not to exceed \$7,677,134.37; and

**WHEREAS**, a final change order was required to address additional unforeseen project conditions, and time-related overhead, extended general conditions and unanticipated field labor due to project schedule impacts which extended the project beyond the contractual complete date. The negotiated final change order amount exceeded the remaining contingency by \$40,000; and

**WHEREAS**, staff desires a second amendment to the construction contract with Ghilotti Bros., Inc. in the amount of \$40,000, for an amended total contract amount not to exceed \$7,717,134.37 to cover the cost associated with the final change order and enable the final payment to be made to Ghilotti Bros., Inc. and close out the project; and

**WHEREAS**, the Project has been completed within the scope, quality standards, and compliance requirements set forth by the City of Richmond and has significantly improved the safety of walking and bicycling routes for Iron Triangle Neighborhood residents; and

**WHEREAS**, additional funding is needed to cover potential change orders for the Yellow Brick Road – Clean, Green and Beautiful Project (23032), and City staff is recommending a transfer of \$23,521.36 from the General Capital Fund for the Yellow Brick Road Project (29113) to Project (23032); and appropriate \$54,439.32 from the General Capital Fund Balance for Project 23032; and

**WHEREAS**, by the agenda report (“Agenda Report”) accompanying this resolution the City Council has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

**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 authorizes a second amendment to the construction contract with Ghilotti Bros., Inc. for the Yellow Brick Road Project in the amount of \$40,000, for an amended total contract amount not to exceed \$7,717,134.37.

**BE IT FURTHER RESOLVED** that the City Council hereby accepts the construction of the Yellow Brick Road Project by Ghilotti Bros., Inc. as complete, authorizes the City Clerk to record the Notice of Completion with the Contra Costa County Recorder, and authorizes the City Engineer to release any applicable bonds and retention payments.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the transfer of funds in the General Capital Fund from the Yellow Brick Road Project (29113) to the Yellow Brick Road – Clean, Green and Beautiful Project (23032) in the amount of \$23,521.36; and appropriate \$54,439.32 from General Capital Fund Balance for Project 23032

**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.

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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 October 1, 2024, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Zepeda, Vice Mayor Jimenez, and Mayor Martinez.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: Councilmember Willis.

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. 108-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on October 1, 2024.



Pamela Christian, Clerk of the City of Richmond