

**RESOLUTION NO. 75-25**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,  
CALIFORNIA, AUTHORIZING A SECOND AMENDMENT TO THE  
CONSTRUCTION CONTRACT WITH UST SERVICES, INC. FOR THE FLOOD RISK  
REDUCTION - RHEEM CREEK PROJECT FOR AN INCREASED AMOUNT OF  
\$242,036 FOR AN AMENDED TOTAL CONTRACT AMOUNT NOT TO EXCEED  
\$1,778,026; AND ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING  
THE CITY CLERK TO FILE A NOTICE OF COMPLETION**

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**WHEREAS**, the Fairmede neighborhood of Richmond and adjacent unincorporated Rollingwood neighborhood have suffered from flooding related to overflows from the Rheem Creek, and technical studies were completed to address flooding issues along Rheem Creek; and

**WHEREAS**, in June of 2020, the City along with local partners submitted an application to the Urban Flood Protection Grant Program for design and project implementation for a restoration project in Rheem Creek, and in September of 2021 the City was awarded grant funding in the amount of \$1,598,844 for the Flood Risk Reduction - Rheem Creek Project (Project); and

**WHEREAS**, on July 11, 2023, City Council awarded a construction contract to UST Services, Inc., for the Flood Risk Reduction - Rheem Creek Project for an amount not to exceed \$1,356,509, 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 June 25, 2024, City Council approved the first amendment to the construction contract with UST Services, Inc., to increase the contract in the amount of \$179,481, for an amended total contract amount not to exceed \$1,535,990; 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 final change order is in the amount of \$242,036, and

**WHEREAS**, staff recommends a second amendment to the construction contract with UST Services, Inc. for the final change order amount of \$242,036, for a final contract amount not to exceed \$1,778,026, to enable the final payment to be made to UST Services, Inc., to 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 flood risk along the section of Rheem Creek from Annapolis Avenue to Greenwood Court; and

**WHEREAS**, the Project includes revegetation and habitat restoration components that require ongoing irrigation and maintenance, as well as multi-year grant monitoring and reporting obligations that will be carried out by Public Works staff in accordance with the terms of the grant and environmental permits; 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 of the City of Richmond 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 UST Services, Inc. for the Flood Risk Reduction - Rheem Creek Project in the amount of \$242,036 for a final contract amount not to exceed \$1,778,026.

**BE IT FURTHER RESOLVED** that the City Council hereby accepts the work performed by UST Services, Inc. for the Flood Risk Reduction - Rheem Creek Project as complete, authorizes the City Clerk to file a Notice of Completion with the Contra Costa County Recorder's Office, and authorizes the City Engineer to release any applicable retention and performance bonds in accordance with contract terms and state law.

**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 City Council of the City of Richmond at a regular meeting thereof held on June 17, 2025, by the following vote:

AYES:	Councilmembers Bana, Brown, Jimenez, Robinson, Wilson, Vice Mayor Zepeda, and Mayor Martinez.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND

Approved:

(SEAL)

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. 75-25**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 17, 2025.

  
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Pamela Christian, Clerk of the City of Richmond