

**RESOLUTION NO. 108-19**

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,  
APPROVING THE FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT  
FOR CONSTRUCTION OF THE MIRAFLORES GREENBELT-BAXTER CREEK  
PHASE 1 PROJECT WITH THE JAMES E. ROBERTS-OBAYASHI CORPORATION  
IN THE AMENDED AMOUNT NOT TO EXCEED \$2,358,748**

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**WHEREAS**, the Baxter Creek Phase 1 Project sits within the Miraflores development site and is part of the 4.5 acre Miraflores Sustainable Community Greenbelt project; and

**WHEREAS**, the Miraflores Greenbelt-Baxter Creek Phase 1 project will include daylighting Baxter Creek and restoring the floodplain, creating an urban forest and open space and habitat in a highly urbanized watershed; and

**WHEREAS**, the James E. Roberts-Obayashi Corporation is the general contractor responsible for the Miraflores Senior development and Phase 2 Baxter Park projects; and

**WHEREAS**, pursuant to that certain Construction Agreement dated February 21, 2018, the City of Richmond selected the James E. Roberts-Obayashi Corporation to complete the Miraflores Greenbelt-Baxter Creek Phase 1 project; and

**WHEREAS** the parties desire to enter into this First Amendment in order to increase the expenditures under the Construction Agreement by an amount not to exceed \$258,088 for a total amended not-to-exceed amount of \$2,358,748; and

**WHEREAS**, this First Amendment is needed to address costs associated with time delays caused by delays in the construction of the Wall Avenue Storm Drain project, a project interrelated to the project delays attributable to obtaining a California Department of Transportation, encroachment permit debris removal, electrical upgrades landscaping and fencing.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Richmond hereby accepts that the above recitals are accurate and have served together with the Agenda Report as the basis for the findings and approvals set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the City Council approves the recommended amended contracted amount of \$258,088 for a total not-to-exceed amount of \$2,358,748.

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager and/or his designee to execute the First Amendment to the Construction Agreement for the Miraflores Greenbelt-Baxter Creek Phase 1 project with the James R. Roberts-Obayashi Corporation.

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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 November 19, 2019, by the following vote:

AYES: Councilmembers Bates, Johnson, Martinez, Myrick, Vice Mayor Choi, and Mayor Butt.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: Councilmember Willis.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

TOM BUTT  
Mayor

Approved as to form:

BRUCE GOODMILLER  
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. 108-19**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 19, 2019.

  
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Pamela Christian, Clerk of the City of Richmond