

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Authorizing The Executive Director To Enter Into A Sixth Amendment To The Professional Services Contract With EKI Environment And Water To Increase The Contract Amount By \$160,000, For An Amount Not To Exceed \$1,482,000, For Implementation Of The Groundwater Monitoring Program Required Pursuant To The Environmental Risk Management Plan For The South Bayfront Project (Bay Street Project – Site A) And Extend The Term To June 30, 2026

WHEREAS, in 1999, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), approved the final Remedial Action Plan (RAP) prepared by the Emeryville Redevelopment Agency (Agency) for that portion of the South Bayfront Project site comprised of properties known as McKinley, Sepulveda, Elementis, Portions of Shellmound I and II, and the old Shellmound Street right-of-way; and

WHEREAS, subsequent to the approval of the final RAP, the Agency prepared an Environmental Risk Management Plan (RMP) for the South Bayfront Project site described above, as well as for the property known as the Warburton (Myers Drum) site, consistent with the requirements of the final RAP. The RMP was approved by DTSC on July 26, 2000; and

WHEREAS, the approved final RAP and RMP required the implementation of a multi-year groundwater and surface water monitoring program (the "RMP Monitoring Program") on the area now known as the "Site A; and

WHEREAS, the Emeryville Redevelopment Agency approved a professional services agreement between the Agency and the firm of Erler & Kalinowski, Inc. (now known as EKI Environment & Water) effective as of March 31, 2003, in an amount not to exceed \$165,000.00, to provide the services required by the RMP Monitoring Program. That contract was amended on April 20, 2004, October 4, 2011, January 18, 2022, January 17, 2023, and again on December 19, 2023, resulting in a total not to exceed amount of \$1,322,000; and

WHEREAS, the intent of the Sixth Amendment is to augment the contract budget so that there is sufficient money available to cover the cost of the semi-annual groundwater monitoring, prepare semi annual reports, revise the draft Fourth Five-Year Review for DTSC, provide for well maintenance, repairs, and replacement, and cover the cost for long-term groundwater and management services through June 30, 2026; and

WHEREAS, DTSC continues to require groundwater monitoring of Site A consistent the RMP requirements and the Successor Agency to the Emeryville Redevelopment Agency wishes to amend the agreement for amount and term in order to comply with DTSC's requirements; now, therefore, be it

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RESOLVED, that the Successor Agency to the Emeryville Redevelopment Agency authorizes the Executive Director to enter into a Sixth Amendment to the Professional Services Contract with EKI Environment and Water to increase the contract amount by \$160,000, for an amount not to exceed \$1,482,000, in order to comply with DTSC’s requirements program for the South Bayfront Project (Bay Street Project - Site A), subject to approval of this item on ROPS 25-26 by the Oversight Board and state Department of Finance, and extend the contract term to June 30, 2026; and, be it, further

ADOPTED, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency at a regular meeting held Tuesday, January 21, 2025, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

CHAIR

ATTEST:

SECRETARY

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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LEGAL COUNSEL

ATTACHMENTS

- Exhibit A – Sixth Amendment to EKI Professional Services Agreement for Site A