

RESOLUTION NO. _____

Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Approving The Plans And Specifications For The FMW Site Demolition And Excavation Project, Project No. 23 EPW003, Prepared In Accordance With The Final Feasibility Study / Remedial Action Plan, As Approved By The California Environmental Protection Agency, Department Of Toxic Substances Control On April 12, 2023, Delegating Authority To The City Engineer To Make And Approve Any Changes Or Revisions To The Remediation Project Plans And Specifications As May Subsequently Be Desired Or Required, And Authorizing Staff To Solicit Bids From Contractors Prequalified To Bid The Remediation Project (CEQA Determination: Consideration Of The Initial Study / Mitigated Negative Declaration Prepared And Approved By DTSC)

WHEREAS, on August 13, 2020, by the California Environmental Protection Agency, Department of Toxic Substances Control (“**DTSC**”) issued an Imminent and/or Substantial Endangerment Determination Order and Remedial Action Order (“**Order**”) to the Successor Agency to remediate hazardous substances contamination in soil and groundwater at the former Marchant/Whitney Tool Site located at 5679 Horton Street, Emeryville (“**FMW Site**”); and

WHEREAS, the Order constitutes an enforceable obligation of the Successor Agency pursuant to Health and Safety Code section 34171(d)(1)(C) of the Redevelopment Dissolution Act; and

WHEREAS, the Order requires the Successor Agency to, among other matters, undertake work to finalize a Feasibility Study/Remedial Action Plan (“**FS/RAP**”) for the FMW Site and then implement the FMW Site cleanup in accordance with the approved FS/RAP; and

WHEREAS, in accordance with the Order, the Successor Agency prepared a Final FS/RAP dated April 2023, which was reviewed and considered by DTSC in conjunction with an Initial Study/Mitigated Negative Declaration (“**IS/MND**”) prepared in accordance with the California Environmental Quality Act (“**CEQA**”) to evaluate the potential effects of the remediation project set forth in the FS/RAP on the environment; and

WHEREAS, on April 12, 2023, following its consideration and adoption of the IS/MND, DTSC approved the FS/RAP, imposed mitigation measures set forth in the IS/MND as a condition of approval of the FS/RAP, and thus determined that implementation of the preferred remedial alternative outlined in the FS/RAP will not have a significant effect on the environment; and

WHEREAS, in accordance with the Order, plans and specifications consistent with and designed to implement the first phase of the preferred remedial alternative set forth in the FS/RAP, which involves demolition of existing improvements and excavation of soils impacted by hazardous materials, have been developed by the Successor Agency’s

Resolution No. _____

FMW Site Demolition And Excavation Project, Project No. 23 EPW003

Successor Agency Meeting | June 6, 2023

Page 2 of 3

environmental engineering consultant, EKI Environment & Water, Inc. (“**EKI**”), in coordination with City and Successor Agency staff, as set forth in Attachment 2 (which was made available to the public by the close of business on Friday, June 2, 2023) (“**FMW Site Demolition And Excavation Project, Project No. 23 EPW003**”); and

WHEREAS, it is recommended that the Successor Agency approve the plans and specifications for the FMW Site Demolition And Excavation Project, Project No. 23 EPW003, and further delegate authority to the City Engineer to hereafter make and approve all changes, revisions or modifications to the plans or specifications for the FMW Site Demolition And Excavation Project, Project No. 23 EPW003, that are made or required; and

WHEREAS, on March 21, 2023, the Successor Agency adopted Resolution No. SA07-23 and authorized staff to engage in a process set forth in the Public Contract Code to prequalify contractors for the opportunity to submit a bid on the FMW Site Demolition and Excavation Project, Project No. 23 EPW003, and thereafter the Successor Agency issued a Request for Pre-Qualification of Bidders, inviting contractors to apply for pre-qualification, and pre-qualified the three highest scoring contractors, pursuant to the uniform system of rating bidders set forth in the Request for Pre-Qualification (the “**Pre-Qualified Contractors**”); and

WHEREAS, upon approval of the plans and specifications for the FMW Site Demolition And Excavation Project, Project No. 23 EPW003, it is recommended that the Successor Agency authorize staff to solicit bids from the Pre-Qualified Contractors to undertake the FMW Site Demolition And Excavation Project, Project No. 23 EPW003; now, therefore, be it

RESOLVED, that the Successor Agency, as a responsible agency under the provisions of CEQA, has considered the environmental effects of the FMW Site Demolition And Excavation Project, Project No. 23 EPW003, as shown in the IS/MND approved by DTSC, as lead agency, acknowledges the imposition of mitigation measures designed to address potential impacts on biological resources (*Mitigation Measure BIO-1*), cultural resources (*Mitigation Measure CULT-1, CULT-2*), hazards and hazardous materials (*Mitigation Measure HAZARDS-1, HAZARDS-2*), noise (*Mitigation Measure NOISE-1, NOISE-2, NOISE-3a, NOISE-3b*), and transportation (*Mitigation Measure TRANS-1*), and that all mitigation measures have been incorporated into the plans and specifications for the Project; accordingly, the Successor Agency hereby directs staff to file a Notice of Determination in accordance with CEQA Guidelines Section 15075 in connection with the following action; and, be it, further

RESOLVED, that the Successor Agency hereby approves the plans and specifications for the FMW Site Demolition And Excavation Project, Project No. 23 EPW003, and hereby

Resolution No. _____
FMW Site Demolition And Excavation Project, Project No. 23 EPW003
Successor Agency Meeting | June 6, 2023
Page 3 of 3

delegates authority to the City Engineer to approve all changes, revisions or modifications to the plans or specifications for the FMW Site Demolition And Excavation Project, Project No. 23 EPW003 that are made or required; and, be it, further

RESOLVED, that the Successor Agency hereby directs staff to solicit bids from the Pre-Qualified Contractors as necessary and required to implement the Order.

ADOPTED, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency at a regular meeting held Tuesday, June 6, 2023, by the following vote:

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

CHAIR

ATTEST: _____

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy

LEGAL COUNSEL

SECRETARY