

**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 First Amendment To The Professional Services Contract With EKI Environment & Water, Inc., In An Amount Of \$1,035,000 For Environmental Engineering Services During The ROPS 22-23 Cycle For Soil And Groundwater Remediation At The Corporation Yard Site, 5679 Horton Street, Emeryville, CA, Pursuant To That Certain Imminent And Substantial Endangerment Order Issued To The Successor Agency By The California Department Of Toxic Substances Control, For A Total Contract Amount of \$3,745,000**

**WHEREAS**, the former Redevelopment Agency acquired the property located at 5679 Horton Street, Emeryville, California in July 1999 in order to facilitate the connection of Horton Street with former Landregan Street, and the remainder, which includes a large warehouse structure and surface parking, was utilized by the City as a temporary location for the Public Works Department's corporation yard (hereinafter, the "Corporation Yard" or "FMW"); and

**WHEREAS**, the Dissolution Act was enacted on June 28, 2011, and in accordance with the terms of the Act, fee title to the Corporation Yard remains vested in the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency ("Successor Agency"); and

**WHEREAS**, as the owner of the Corporation Yard site, the Successor Agency is a responsible party under state and federal law for the remediation of hazardous materials on the site; and

**WHEREAS**, on August 13, 2020, the California Environmental Protection Agency, Department Of Toxic Substances Control ("DTSC") issued an Imminent and Substantial Endangerment Determination Order and Remedial Action Order ("Order") to the Successor Agency to remediate hazardous substances contamination in soil and groundwater at the Corporation Yard Site; and

**WHEREAS**, the Order is an enforceable obligation pursuant to Health and Safety Code Section 34171(d)(1)(C); and

**WHEREAS**, the Order requires the Successor Agency to undertake environmental investigation and remediation activities at the Corporation Yard Site, including preparation of Feasibility Study/Remedial Action Plan ("FS/RAP"), which is the proposed cleanup plan for the site, and after approval of the FS/RAP by DTSC, the Order requires the Successor Agency to then implement the cleanup plan to remediate the site; and

**WHEREAS**, the Successor Agency may create a new enforceable obligation if it is in furtherance of another recognized enforceable obligation (Health and Safety Code Section 34177.3(b)); and

**WHEREAS**, EKI Environment and Water, Inc. ("EKI") prepared a scope of work for

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the ROPS 21-22 period to assist the Successor Agency in meeting its obligations under the Order and the Successor Agency approved a contract for that scope of work at its January 19, 2021 meeting; and

**WHEREAS**, EKI Environment and Water, Inc. ("EKI") has prepared an updated scope of work for the ROPS 22-23 period to assist the Successor Agency in meeting its obligations under the Order;

now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency that pursuant to the authority provided in Health and Safety Code section 34177.3, the Executive Director is authorized to enter into and implement the First Amendment to the Professional Services Contract with EKI in an amount not to exceed \$1,035,000 for the period of July 1, 2022 – June 30, 2023, in the form attached hereto as Exhibit A

**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 18, 2022, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_ APPROVED AS TO FORM:

\_\_\_\_\_  
SECRETARY

DocuSigned by:  
*Andrea Visveshwara*  
962063BD5573494  
\_\_\_\_\_  
INTERIM LEGAL COUNSEL

**ATTACHMENTS**

- Exhibit A – First Amendment to Professional Services Agreement