

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 Third Amendment to the Professional Services Agreement with EKI Environment and Water, Increasing The Contract Amount By \$100,000 To An Amount Not To Exceed \$957,000 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 Extending The Term To June 30, 2023

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, effective March 31, 2003, the Agency entered into a professional services agreement with the firm of Erlen & Kalinowski, Inc., (now known as EKI Environment & Water) in an amount not to exceed \$165,000.00, to provide said services and effective April 20, 2004 the Agency and EKI entered into a First Amendment to Professional Services Agreement increasing the total contract amount to \$300,000 to provide for additional testing and monitoring, and effective October 4, 2011 the Agency approved the Second Amendment to the Agreement increasing the total contract amount to \$857,000 and extending the term to December 31, 2022; 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

RESOLVED, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency that the Executive Director is authorized to enter into a Third Amendment to Professional Services Agreement with EKI Environment & Water, in the form attached hereto as Exhibit A, in an additional amount of \$100,000, for a total amount not to exceed \$957,000 for implementation of the groundwater monitoring

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program for the South Bayfront Project (Bay Street Project - Site A), subject to approval of this item on ROPS 22-23 by the Oversight Board and state Department of Finance.

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:

SECRETARY

APPROVED AS TO FORM:

DocuSigned by:
Andrea Visveshwara

INTERIM GENERAL COUNSEL

ATTACHMENTS

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