

## RESOLUTION NO. SA04-19

**RESOLUTION OF THE CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY APPROVING THE EXPENDITURE OF UP TO \$175,000 DURING THE ROPS 19-20 CYCLE FOR THE PREMIUM PAYABLE THROUGH INTEGRO INSURANCE BROKERS TO RENEW THE \$10,000,000 ENVIRONMENTAL INSURANCE POLICY FOR SOUTH BAYFRONT SITE B FOR A TERM UP TO TEN YEARS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE, ENTER INTO, EXECUTE AND IMPLEMENT THE TERMS OF SAID INSURANCE POLICY ON BEHALF OF THE SUCCESSOR AGENCY**

**WHEREAS**, in early 2004 the former Emeryville Redevelopment Agency commenced actions to acquire and remediate the properties known collectively as South Bayfront Site B for redevelopment into a mixed-use endcap to the Bay Street Project located on South Bayfront Site A; and

**WHEREAS**, after an extensive process of environmental investigation and assessment, in June 2008 the Redevelopment Agency awarded a contract for soil remediation of hazardous materials contamination at South Bayfront Site B conducted in accordance with the Final Feasibility Study/Remedial Action Plan ("FS/RAP") and Final Remedial Design and Implementation Plan ("RDIP") approved by the California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC"); and

**WHEREAS**, soil remediation activities were completed in the Fall of 2009 and the Soil Remediation Completion Report was approved by DTSC on June 15, 2010; and

**WHEREAS**, upon completion of the soil remediation, groundwater contamination commenced in accordance with the FS/RAP and Final RDIP and a completion report related to remediation of groundwater was submitted to DTSC for approval on March 21, 2018, and review of the completion report by DTSC remains pending; and

**WHEREAS**, once the groundwater remediation efforts required by the FS/RAP and RDIP are accepted as complete, the Successor Agency will obtain immunity from future regulatory actions pursuant to the Polanco Redevelopment Act, and the South Bayfront Site B parcels are to be transferred to the City of Emeryville ("City") for future development pursuant to the terms of the approved Long Range Property Management Plan ("LRPMP"); and

**WHEREAS**, in 2008, after the Redevelopment Agency had assembled all of the parcels comprising South Bayfront Site B and was readying to commence site remediation, it procured a \$10,000,000 environmental liability insurance policy through its insurance broker, Integro Insurance Brokers ("Integro"), providing coverage for unknown contaminants uncovered in the remedial process, but more importantly coverage for known and unknown contaminants that are uncovered once site closure has been obtained from regulatory agencies; and

**WHEREAS**, the environmental insurance policy provides important coverage during site development and is key to facilitating financing for site development and construction; and





**WHEREAS**, once regulatory closure is secured from DTSC, South Bayfront Site B is to be transferred to the City in accordance with the LRPMP for future development and the LRPMP provides that the Successor Agency was to transfer and assign the environmental insurance policy to the City; and

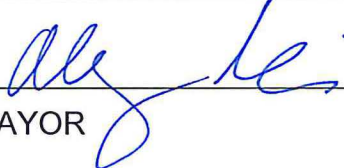
**WHEREAS**, the policy expired November 3, 2018, and thus in order to fulfill its obligation under the LRPMP to provide the policy to the City upon transfer of South Bayfront Site B, the Successor Agency is in the process of securing a new policy with a term up to ten (10) years; and

**WHEREAS**, the Successor Agency has reviewed and duly considered the staff report dated January 15, 2019, the documentation provided in support of the staff report, and the testimony provided during the public meeting; now, therefore, be it


**RESOLVED**, pursuant to authority provided by Section 34177.3(a), the Successor Agency hereby approves and authorizes an expenditure of up to \$175,000 during the ROPS 19-20 cycle for the premium, payable through Integro Insurance Brokers, to renew the \$10,000,000 environmental insurance policy for South Bayfront Site B for a term up to ten years, and authorizes the City Manager to negotiate, enter into, execute and implement the terms of said insurance policy on behalf of the Successor Agency.

**ADOPTED**, by the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency at a regular meeting held Tuesday, January 15, 2019, by the following vote.

AYES:	5	Mayor Medina, Vice Mayor Patz, and Council Members Bauters, Donahue, and Martinez
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

  
MAYOR

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY