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CITY OF EMERYVILLE

ACTION MINUTES

City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency

Members:

Mayor Ally Medina
Vice Mayor Christian R. Patz
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Dianne Martinez

AMENDED

Tuesday, January 15, 2019

7:15 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:18 p.m.

2. ROLL CALL

Present: 5 - Mayor Ally Medina
Vice Mayor Christian R. Patz
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Dianne Martinez

3. APPROVAL OF FINAL AGENDA

A motion was made by Vice Mayor Patz, seconded by Council Member Martinez, to approve the Final Agenda. The motion carried by the following vote:

Ayes: 5 - Mayor Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue and Council Member Martinez

4. EX PARTE COMMUNICATIONS

Council Member Martinez reported having met with the Chief of Staff to Supervisor Carson to discuss the ROPS FY 2019/20 cycle. Mayor Medina stated she had discussed the same matter with Barbara Halliday.

5. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

Christine Noma, an attorney with Wendel, Rose, Black and Dean, representing Catherine Lozick, spoke regarding Items 6.5, 6.6.1, 6.6.2, the Corporation Yard property remediation, stating that her client disagrees with the City's position regarding the recovery of clean up costs and that the City was liable for the costs.

6. CONSENT CALENDAR

Approval of the Consent Agenda

A motion was made by Council Member Bauters, seconded by Council Member Donahue, to approve the Consent Agenda. The motion carried by the following vote:

Ayes: 5 - Mayor Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue and Council Member Martinez

- 6.1. [ID-2018-721](#) Warrants. (Susan Hsieh)

A motion was made to approve this Item.

- 6.2. [ID-2018-701](#) Action Minutes of the December 10, 2018, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 6.3. [ID-2018-718](#) Action Minutes of the December 18, 2018, Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session. (Sheri Hartz)

A motion was made to approve the Minutes.

- 6.4. [ID-2018-717](#) Action Minutes of the December 18, 2018, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Regular Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 6.5. [ID-2018-704](#) Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Approving And Authorizing The City Manager To Enter Into An Environmental Oversight Agreement With The California Environmental Protection Agency, Department Of Toxic Substances Control, In An Amount Not To Exceed \$150,000.00 For The Term Of July 1, 2019 Through June 30, 2021, For Oversight Of Groundwater Remediation And Monitoring At South Bayfront Site B Pursuant To California Health And Safety Code Section 34177.3(a). (Michael Guina)

A motion was made to approve this Resolution.

Enactment No: Resolution SA01-19

- 6.6. [ID-2018-723](#) Corporation Yard Hazardous Materials Remediation

A motion was made to approve this Informational Report.

- 6.6.1. [ID-2018-712](#) Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Approving The Expenditure Of Up To \$150,000 During The ROPS 19-20 Cycle To Reimburse The California Environmental Protection Agency, Department Of Toxic Substances Control (DTSC), For Environmental Regulatory Oversight Services Required For Soil And Groundwater Remediation At The Corporation Yard Site, 5679 Horton Street, Emeryville, CA, Pursuant To The Terms Of An Imminent And/Or Substantial Endangerment Order And Remedial Action Order Anticipated To Be Issued To The Successor Agency By DTSC

A motion was made to approve this Resolution.

Enactment No: Resolution SA02-19

- 6.6.2. [ID-2018-713](#) Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Approving And Authorizing The City Manager To Enter Into And Execute A Professional Services Agreement With EKI Environment & Water, Inc., In An Amount Of \$2,995,000 For Environmental Engineering Services During The ROPS 19-20 Cycle Required For Soil And Groundwater Remediation At The Corporation Yard Site, 5679 Horton Street, Emeryville, CA, Pursuant To The Terms Of An Imminent And/Or Substantial Endangerment Order And Remedial Action Order Anticipated To Be Issued To The Successor Agency By The California Environmental Protection Agency, Department Of Toxic Substances Control (DTSC). (Michael Guina)

A motion was made to approve this Resolution.

Enactment No: Resolution SA03-19

- 6.7. [ID-2019-003](#) South Bayfront Site B Environmental Insurance

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. (Michael Guina)

A motion was made to approve this Resolution.

Enactment No: Resolution SA04-19

- 6.8. [ID-2018-714](#) Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Authorizing The City Manager To Enter Into A First Amendment To The Professional Services Agreement For Audit Services With Lance, Soll & Lunghard, LLP, Increasing The Services Agreement Amount By \$31,500 To An Amount Not To Exceed \$46,500 For Fiscal Years 2018-19 and 2019-20 Audit (Susan Hsieh)

A motion was made to approve this Resolution.

Enactment No: Resolution SA05-19

- 6.9. [ID-2018-716](#) Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Authorizing The City Manager To Enter Into A Professional Services Agreement With Avenu/MuniServices, LLC In An Amount Not To Exceed \$7,500 For Property Tax Audit Services (Susan Hsieh)

A motion was made to approve this Resolution.

Enactment No: Resolution SA06-19

7. ACTION ITEMS

- 7.1. [ID-2018-703](#) Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Approving And Adopting The Administrative Budget And Recognized Obligation Payment Schedule For The Period Of July 1, 2019 Through June 30, 2020 (ROPS 19-20) Pursuant To Health And Safety Code Section 34177. (Susan Hsieh)
City Attorney Michael Guina gave the staff presentation and responded to Council Member questions.

PUBLIC COMMENT:

Christine Noma spoke again regarding the Corp Yard remediation, stating that the consultant was proposing the most expensive alternative for clean up.

A motion was made by Council Member Bauters, seconded by Council Member Martinez, to approve this Resolution. The motion carried by the following vote:

Ayes: 5 - Mayor Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue and Council Member Martinez

Enactment No: Resolution SA07-19

8. ADJOURNMENT

The meeting adjourned at 7:41 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency.

**/Sheri Hartz/
Sheri Hartz, City Clerk**

DRAFT