

**RESOLUTION NO. 19-\_\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 1 To The Professional Services Agreement With EKI Water And Environment Inc. (EKI) For Soil Offhaul Services At APN 049-1041-026-16 Related To The Development of the Sherwin Williams Project; And Appropriating \$68,314 from the General Capital Fund (Fund 475)**

**WHEREAS**, on June 19, 2018 City Council adopted Resolution No. 18-83 authorizing the City Manager to enter into a Professional Services Agreement with EKI Water and Environment Inc. (EKI) in an amount not to exceed \$66,000 for hazardous material investigation and mitigations services at APN 049-1041-026-16, known as former UPRR Parcel D, and appropriating General Capital Funds for the agreement; and

**WHEREAS**, the scope of this contract included preparation of the necessary Risk Management Plan (RMP) for activities which will disturb soils in the Soil Exceedance Areas and other optional tasks for field inspections to document compliance with the RMP; preparation of a Completion Report; preparation of site-specific plans for earthwork activities; and waste characterization and fill collection and analysis; and

**WHEREAS**, in order to determine the suitability of reusing stockpiled soils for project fill, sampling and analysis was performed and revealed that material within two on-site stockpiles was not suitable for incorporating into the project and will need to be disposed of at a legal disposal facility; and

**WHEREAS**, in order to coordinate with the Sherwin Williams project schedule it is necessary to remove this soil prior to the developer's grading operations which are slated for October 2019, and the removal of this soil was not included in the current Professional Services Agreement ; and

**WHEREAS**, EKI has prepared a proposed amendment to the existing Professional Services Agreement which provides for the loading, offhaul, and disposal of 1250 tons of material for the amount of \$68,314 and the work includes dust control, trucking management and disposal fees for Keller Canyon Landfill near Pittsburg, CA; and

**WHEREAS**, the City Council wishes to amend the Professional Services Agreement to incorporate the additional soil removal, offhaul, and disposal, as described in the EKI proposal; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville hereby authorizes the City Manager to execute Amendment No. 1 to the Professional Services Agreement with EKI, in the form attached hereto as Exhibit A; and, be it, further

**RESOLVED**, by the City Council of the City of Emeryville hereby appropriates \$68,314 from the General Capital Fund (Fund 475).

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 3, 2019, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY ATTORNEY