

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE
COMMUNITY DEVELOPMENT COMMISSION, APPROVING A REVISED
VOLUNTARY CLEAN-UP AGREEMENT WITH THE DEPARTMENT OF
SUBSTANCES CONTROL FOR 5710 SMITHWAY

WHEREAS, the Commerce Community Development Commission (Commission) and the Department of Toxic Substances Control (DTSC) entered into a Voluntary Cleanup Agreement (VCA) on May 23, 2003; and

WHEREAS, the purpose of the VCA was to conduct a Preliminary Endangerment Assessment (PEA) of the site, including collection of soil and groundwater samples within the site, under the DTSC's oversight; and

WHEREAS, the Commission also entered into a Disposition and Development Agreement (DDA) with Craig Realty Group Citadel, LLC dated June 30, 2003; the Commission owned the subject property at the time. Pursuant to the DDA, an Environmental Work Plan was agreed upon and the Commission was responsible for completion of environmental work for additional testing, investigation, and remediation of any disclosed additional contamination of soil or groundwater on or under the subject property set forth in the Work Plan, at its sole cost; and

WHEREAS, the DTSC approved the Work Plan with modifications, which were incorporated in an Addendum to Work Plan for Additional Site Characterization dated January 31, 2007; and

WHEREAS, the Commission established a Groundwater Monitoring Program per the VCA, the DDA and in 2011, conducted additional Phase II Site Assessment to determine if soil contamination was present in areas formerly occupied by a main power station that was part of the Pacific Tube Company's operations at this site; and

WHEREAS, the additional site assessment and completion of the Work Plan and Addendum was placed on hold due to the State dissolving the redevelopment agencies throughout the State, including the Commission, which operated as the City's redevelopment agency. The Successor Agency sought to obtain funding from the California Department of Finance (DOF) for the work needed, as an enforceable obligation. As of December 2013, the DOF had not approved the funding request. Until recently, the DTSC had not followed up with the Successor Agency to enforce the environmental assessment; and

WHEREAS, the DTSC sent the Successor Agency a letter dated February 24, 2017, requesting the completion of the Work Plan and Addendum for additional site characterization and continued groundwater monitoring; and

WHEREAS, DTSC's requested Scope of Services includes the following:

1. Execution of updated VCA;
2. Submission of a report of completed Work Plan and Addendum tasks to the DTSC;

3. Submission of a new Work Plan to complete remaining tasks from the original Work Plan and Addendum; and

WHEREAS, staff recommends approving the VCA and releasing an RFP for completion of the Work Plan and Addendum and continue the groundwater monitoring program per DTSC; and

WHEREAS, this matter must be submitted to the Oversight Board for the Successor Agency and then to the DOF, for its review and approval. Staff will then return to the Successor Agency and Oversight Board to execute a professional services agreement for said scope of work following a formal RFP process.

NOW, THEREFORE, THE SUCCESSOR AGENCY DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. The Voluntary Cleanup Agreement with the Department of Toxic Substances Control, is hereby approved. The Successor Agency Chairperson is authorized to execute the Agreement for and on behalf of the Successor Agency.

Section 2. Staff is directed to present the Voluntary Cleanup Agreement to the Oversight Board for the Successor Agency and then to the Department of Finance for their review and approval pursuant to AB 26 and AB 1484.

Section 3. After approval by the Oversight Board to the Successor Agency and the Department of Finance, Successor Agency Staff is authorized to release a request for proposal for the services required by the Voluntary Cleanup Agreement.

PASSED, APPROVED AND ADOPTED this 5th day of July, 2017.

Oralia Rebollo
Chairperson

ATTEST:

Lena Shumway
Secretary