

## RESOLUTION NO.

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH EFI GLOBAL TO EXTEND THE TERM BY THREE YEARS FOR THE CONTINUED ENVIRONMENTAL ASSESSMENT OF 5710 SMITHWAY AND EXPANSION TO INCLUDE 5788 SMITHWAY, AND SUBMITTAL OF AN AMENDMENT TO THE ROPS TO THE DEPARTMENT OF FINANCE (DOF) FOR FUNDING

**WHEREAS**, on August 2, 2017 and August 23, 2017, the Successor Agency and Oversight Board respectively approved a Voluntary Cleanup Agreement (VCA) with the Department of Toxic Substance Control (DTSC) for additional site characterization; and

**WHEREAS**, DTSC approved a Work Plan dated September 6, 2006 prepared by Block Environmental with modifications, which were incorporated in Addendum to Work Plan for Additional Site Characterization dated January 31, 2007, also prepared by Block Environmental; and

**WHEREAS**, the pre-established monitoring system consists of 10 groundwater monitoring wells and 12 soil vapor borings to conduct quarterly sampling on the southeastern half of the property to evaluate possible presence of VOC contamination; and

**WHEREAS**, as previously reported to the Successor Agency and Oversight Board, the additional site assessment and completion of the Work Plan and Addendum was placed on hold due to the State dissolving the Redevelopment Agency and until such time that the Successor Agency and Oversight Board could obtain funding from the California Department of Finance (DOF) as an enforceable obligation; 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 specifically requested the following:

1. Execution of updated VCA.
2. Submit a report of completed Work Plan and Addendum tasks to the DTSC.
3. Submit a new Work Plan to complete remaining tasks from the original Work Plan and Addendum; and

**WHEREAS**, the Successor Agency and the Oversight Board approved the release of an RFP for completion of the Work Plan and Addendum and continuing the groundwater monitoring program per DTSC; and

**WHEREAS**, following an RFP process, a professional services agreement was awarded on November 7, 2017 to EFI Global in the amount of \$168,236.70; and

**WHEREAS**, EFI Global has completed the well work required and needs to continue with the ongoing groundwater monitoring; and

**WHEREAS**, as a result of their investigation and groundwater sampling, contaminants of PCE, TCE and hexavalent chromium in groundwater is considered to be from off-site sources; and

**WHEREAS**, DTSC requires that monitoring continue and expanded the scope of the investigation to include characterization and remediation of property located at 5788 Smithway Street, which is immediately southeast of the Citadel Outlets and was historically part of the PATCO facility; and

**WHEREAS**, this expanded scope requires the installation of two additional groundwater monitoring wells in the vicinity of PATCO's former vapor degreaser, redevelopment of two older wells and quarterly monitoring and reporting of all wells; and

**WHEREAS**, EFI Global's agreement is due to expire on November 7, 2020 and allows for an extension of the term at the City's discretion; and

**WHEREAS**, staff is satisfied with EFI Global's work and recommends the Successor Agency approve an amendment to extend their agreement term by three years, effective until November 7, 2023 to allow time for creation and submittal of a Workplan for the additional scope of work, completion of said work, and at least two years of quarterly groundwater monitoring and reporting and to submit an amendment to the ROPS for DOF funding in the amount of \$191,661.50.

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

**Section 1.** The Amendment to the Agreement with EFI Global is hereby approved and 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 Amendment to the Oversight Board for the Successor Agency and 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 commence outstanding work as described in the aforementioned Work Plan and Addendum.

PASSED, APPROVED AND ADOPTED this 6<sup>th</sup> day of October, 2020.

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Ivan Altamirano  
Chairperson

ATTEST:

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Lena Shumway  
Secretary