

RESOLUTION NO. 2023-114

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2023- ,
ACCEPTING THE COMPLETION OF THE CITY PARK BARRACKS AND
CYPRESS KNOLLS BUILDINGS BLIGHT REMOVAL 2022 PROJECT AND
AUTHORIZING THE FILING OF A NOTICE OF COMPLETION WITH THE
MONTEREY COUNTY RECORDER'S OFFICE

WHEREAS, the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project includes abatement, proper removal, and disposal of forty-five barracks and miscellaneous debris, including debris from two burnt buildings at the proposed City Park at the Dunes located along Second Avenue and 8th Street (City Park) and thirty duplex buildings and miscellaneous debris including debris from one burnt building, at the Cypress Knoll area along Rendova Avenue and Third Avenue for future park and or residential development; and,

WHEREAS, on August 3, 2022, the City Council passed Resolution No. 2022-101 awarding a construction contract to Unlimited Environmental Inc. (UEI) for the base bid in the amount of \$4,245,000 and approved to expend up to an additional 10% of the contract amount for potential construction contingencies; and,

WHEREAS, the final construction cost is \$4,214,940.20 which includes eight construction change orders due to unforeseen conditions and additional work requested by the City; and,

WHEREAS, the project was substantially completed on May 24, 2023. **Exhibit B** shows the before, during and after construction photos of the project; and,

WHEREAS, on July 19, 2023, the California Department of Toxic Substance Control (DTSC) accepted and concurs with Removal Action Completion Report (RACR) and certified that all appropriate responses have been completed, See **Exhibit C**; and,

WHEREAS, Capital Improvement Projects HSF2101 and HSF2103 have sufficient funds to pay the total project cost of \$5,530,328.88 which includes the construction contract and soft project delivery costs. Approval of this request will result in release of contract payment retention which was budgeted and approved at the time of contract award; and,

WHEREAS, the acceptance of project and authorization to file Notice of Completion for the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project is not a project as defined by the California Environmental Quality Act (CEQA); and,

WHEREAS, the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project is complete. It is appropriate to accept these public improvements and to file a Notice of Completion (**Exhibit A**) for the project with the Monterey County Recorder's Office. Following Council approval, a Notice of Completion will be filed, and contract retention release is 35 days after the recording of the Notice of Completion; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina to adopt Resolution No. 2023-114 for the following actions:

1. Accepts the completion of the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project, and;
2. Authorizes the filing of a Notice of Completion (**Exhibit A**), with the Monterey County Recorder's Office.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 7th day of November 2023, by the following vote:

AYES: COUNCIL MEMBERS: Visscher, Biala, Medina Dirksen, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: McCarthy

ABSTAIN: COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

After Recordation Return To:

City of Marina
Public Works Department
211 Hillcrest Avenue
Marina, CA 93933

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the City of Marina, a municipal corporation, did, on the 25th day of August 2022, enter into a contract with Unlimited Environmental Inc. (UEI) of Long Beach, California wherein said contractor agreed to complete all work for the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project in accordance with the plans, specifications, addenda and construction change orders issued by the City of Marina.

That the work under said contract was completed by the contractor or assignee and accepted by the City of Marina on November 7, 2023.

The real property involved in said contract is described as City Park (APN 031-201-005) and Cypress Knolls (APN 031-221-008), Marina California with the property interest of the City as Owner.

Dated: November 8, 2023

CITY OF MARINA, a Municipal Corporation

BY: _____
Brian McMinn, P.E./P.L.S.
Public Works Director/City Engineer

VERIFICATION

I, the undersigned, say: I am the Public Works Director/City Engineer of the City of Marina, a Municipal Corporation, and the declarant of the foregoing notice of completion: I have read said notice of completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2023, at Marina, California.

Brian McMinn P.E./P.L.S.
Public Works Director/City Engineer

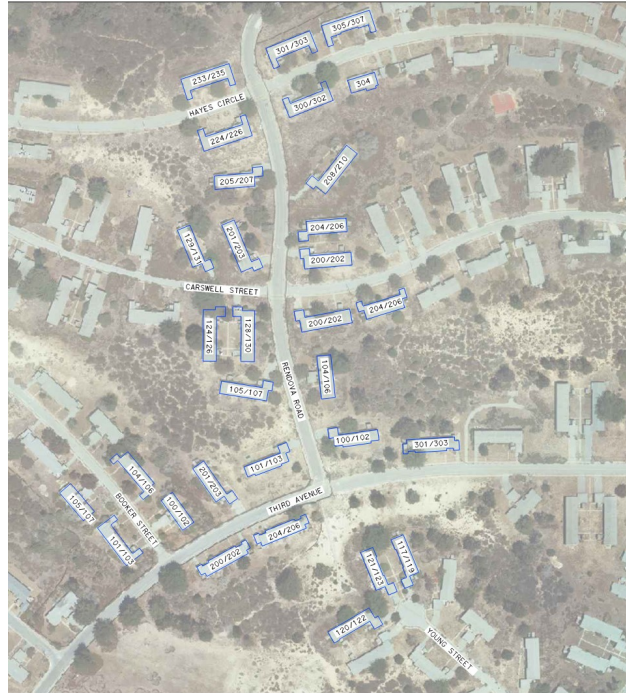
Note: Check Pre-construction and post construction video for the Dunes City Park at <https://youtu.be/vps2Ev3vues>



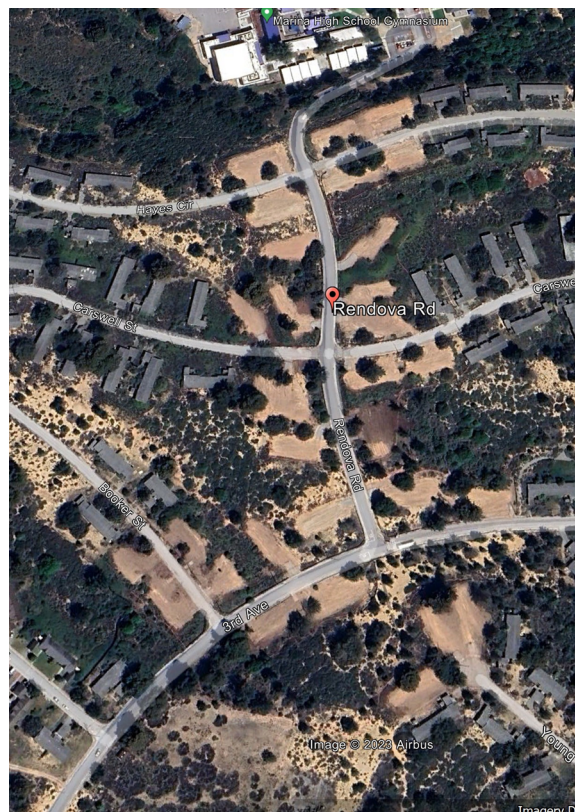
PRE-CONSTRUCTION PHOTOS: DUNES CITY PARK



POST-CONSTRUCTION PHOTOS: DUNES CITY PARK



PRE-CONSTRUCTION AERIAL MAP- CYPRESS KNOLLS



POST-CONSTRUCTION AERIAL MAP- CYPRESS KNOLLS



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

LETTER SENT VIA EMAIL

July 19, 2023

Brian McMinn
City of Marina Public Works Department
209 Cypress Avenue
Marina, California 93933
bmcminn@cityofmarina.org

REMOVAL ACTION COMPLETION REPORT AND SITE CERTIFICATION, UNIVERSITY VILLAGES: CYPRESS KNOLL AND CITY PARK (SITE CODE 202420-11), FORMER FORT ORD, MARINA, CALIFORNIA

Dear Mr. McMinn:

The California Department of Toxic Substances Control (DTSC) received the Removal Action Completion Report (RACR) prepared by West Environmental Services and Technology (WEST) in June 2023 on behalf of the City of Marina. The RACR documented the removal activities at the approximately 15-acre City Park (Assessor Parcel Number (APN) 031-221-008-000), and the lack of removal activities necessary at the Cypress Knoll area (portion of APN 031-221-008-000), both located at the former Fort Ord in Marina, California (see enclosure for parcel location map).

At City Park, between January to May 2023, approximately 2,255 tons (1,410 cubic yards) of soil impacted from lead-based paint (LBP) from around 48 former buildings was removed and disposed in an approved landfill, in accordance with the May 2006 Final Removal Action Workplan and August 2022 updated Sampling and Analysis Plan. The confirmation results collected after excavation were used to calculate a 95 percent Upper Confidence Limit (95% UCL) of 36.7 milligrams per kilogram (mg/kg), which is below the site cleanup goal of 80 mg/kg; therefore, the removal action was adequately implemented.

At the Cypress Knoll area, previous sample results were used to calculate a 95% UCL of 35 mg/kg, which is also below the site cleanup goal of 80 mg/kg; therefore, removal action was not necessary for this area.

DTSC concurs with the conclusions in the RACR that the City Park site has been adequately remediated to levels that safely allow for unrestricted land use. DTSC also concurs that the Cypress Knoll area does not require additional remediation based on previous sampling results. The RACR is hereby approved.

Brian McMinn
July 19, 2023
Page 2 of 2

DTSC also certifies that all appropriate response actions have been completed, that all acceptable engineering practices were implemented, and that no further removal action is necessary for the City Park and Cypress Knoll area. As with any remediation, if previously unidentified contamination is discovered on the properties, additional assessment, investigation, and/or remediation may be required.

Please note that should this property be considered for the proposed acquisition and/or construction of school properties using state funding, a separate environmental review process in compliance with California Education Code 17210 et seq., will need to be conducted and approved by DTSC. The State also reserves the right to address any appropriate environmental or human health issues should new information concerning the environmental condition of the property become available in the future.

Please notify DTSC if the City of Marina plans to conduct removal actions on any additional parcels.

If you have any questions, please contact Garrett Thornton at (916) 255-3748 or by email at Garrett.Thornton@dtsc.ca.gov.

Sincerely,

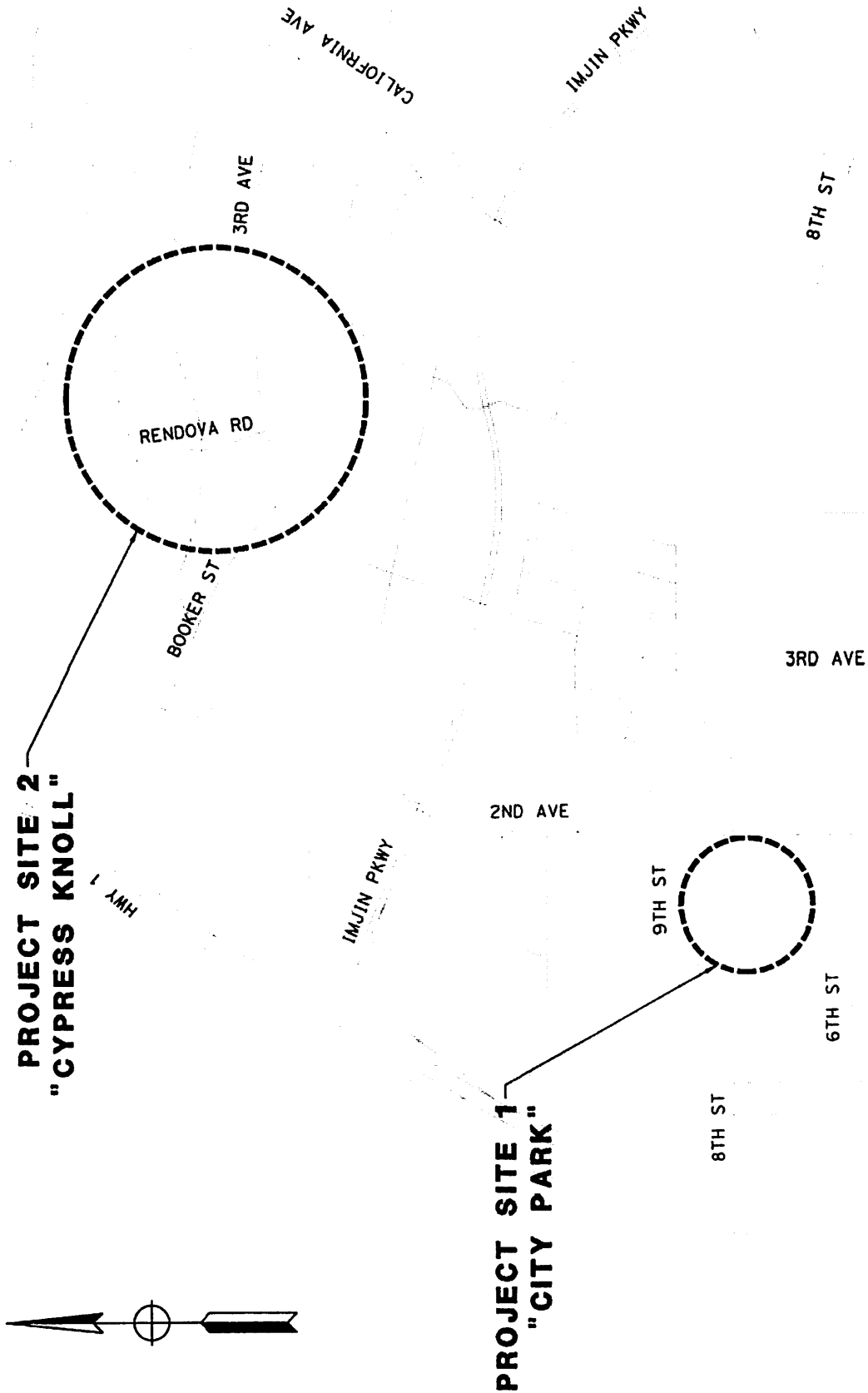


Hortensia Muniz, P.E.
Branch Chief
Site Mitigation and Restoration Program
Department of Toxic Substances Control

Enclosure

cc: Elvie Camacho, Wallace Group
elviec@wallacegroup.us

Peter Krasnoff, P.E., West Environmental
peterk@westenvironmental.com



PROJECT LOCATIONS

Figure 1-2

City Park & Cypress Knoll Projects, California

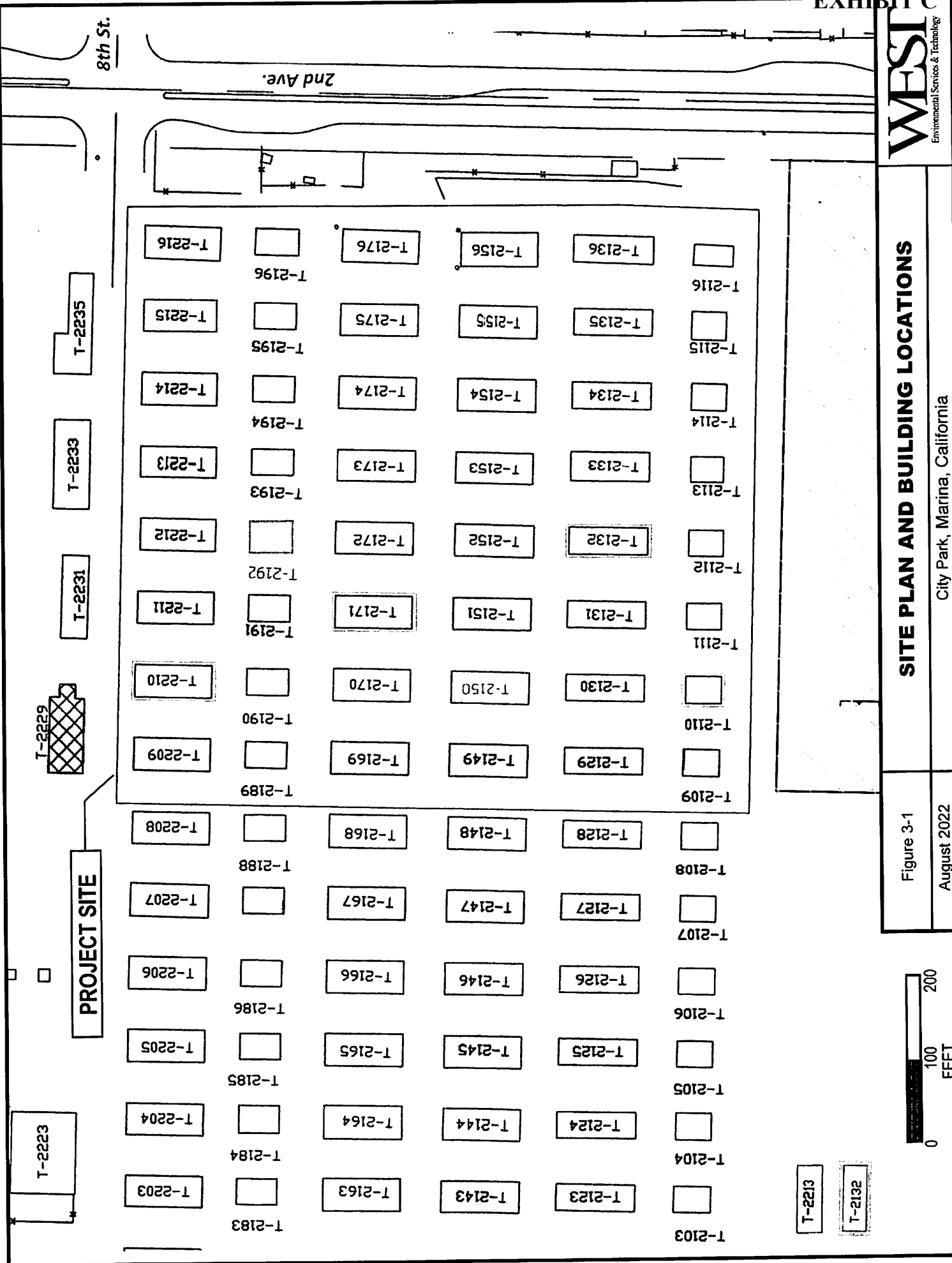
August 2022

SITE PLAN AND BUILDING LOCATIONS

City Park, Marina, California

Figure 3-1

August 2022





SAMPLED BUILDING LOCATIONS

Cypress Knoll, Marina, California

Figure 3-2

August 2022

November 1, 2023

Item No. **10h(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 7, 2023

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2023-
ACCEPTING THE COMPLETION OF THE CITY PARK BARRACKS AND
CYPRESS KNOLLS BUILDINGS BLIGHT REMOVAL 2022 PROJECT
AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION
WITH THE MONTEREY COUNTY RECORDER'S OFFICE**

REQUEST:

It is requested that the City Council consider Resolution No 2023- for the following actions:

1. Accepting the completion of the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project, and;
2. Authorizing the filing of a Notice of Completion (**EXHIBIT A**), with the Monterey County Recorder's Office.

BACKGROUND:

The City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project included abatement, proper removal, and disposal of forty-five barracks and miscellaneous debris, including debris from two burnt buildings at the proposed City Park at the Dunes located along Second Avenue and 8th Street (City Park) and thirty duplex buildings and miscellaneous debris including debris from one burnt building, at the Cypress Knoll area along Rendova Avenue and Third Avenue for future park and or residential development.

On August 3, 2022, the City Council passed Resolution No. 2022-101 awarding a construction contract to Unlimited Environmental Inc. (UEI) for the base bid in the amount of \$4,245,000 and approved to expend up to an additional 10% of the contract amount for potential construction contingencies.

ANALYSIS:

Following is the project expenditure summary:

Project Expenditure Summary		
Description	Awarded Amount	Expense Amount
Unlimited Environmental Inc Construction Award	\$4,245,000.00	\$4,245,000.00
10% Construction Contingency	\$424,500.00	
Construction Change Orders (8 total)		(\$30,059.80)
Total Award Amount	\$4,669,500.00	
Total Construction Cost		\$4,214,940.20

The final construction cost is \$4,214,940.20 which includes eight construction change orders due to unforeseen conditions and additional work requested by the City. These construction change orders were for additional asbestos abatement and removal of asbestos containing concrete footings, removal and disposal of lead containing soil and installation of perimeter fencing along Rendova Road. Construction change order No. 8 was a deductive change order, reflecting the lower cost for the disposal of lead containing soil.

The project was completed on May 24, 2023. **EXHIBIT B** shows the before, during and after construction photos of the project.

On July 19, 2023, the California Department of Toxic Substance Control (DTSC) accepted and concurs with Removal Action Completion Report (RACR) and certified that all appropriate responses have been completed, See **EXHIBIT C**.

The City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project is complete. It is appropriate to accept these public improvements and to file a Notice of Completion (**EXHIBIT A**) for the project with the Monterey County Recorder's Office. Following Council approval, a Notice of Completion will be filed, and contract retention release is 35 days after the recording of the Notice of Completion.

FISCAL IMPACT:

Capital Improvement Project funding, HSF2101 for Barracks Blight Removal and HSF2103 and Cypress Knolls Building Removal have original funding amounts of \$4,100,000 and \$1,600,000, respectively. Resolution No. 2022-101 included an allocation and appropriation of additional blight removal funding in the amount of \$415,440 to project HSF2101 and \$161,560 to project HSF2103. The total funding for the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project is \$6,277,000.00.

The total project cost of \$5,530,328.88 is the cost of the construction contract (\$4,214,940.20) and soft costs for project management, engineering and testing, construction management, inspection, and hazardous material fees (\$1,548,642.03). The Capital Improvement Projects HSF2101 and HSF2103 have sufficient funds to pay the total project cost of \$5,530,328.88. Approval of this request will result in release of contract payment retention which was budgeted and approved at the time of contract award.

Funds remaining will be used to pay the California Hazardous Waste Generation and Handling Fee and for the removal of roads, walkways and retaining walls at Dunes City Park and will be included during the construction of Dunes City Park, Phase 1.

California Environmental Quality Act (CEQA)

The acceptance of project and authorization to file Notice of Completion for the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project is not a project as defined by the California Environmental Quality Act (CEQA).

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Elvira Morla-Camacho, P.E., QSD
Project Management Services
Wallace Group

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina