

RESOLUTION NO. 2022-36

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MARINA PRELIMINARILY APPROVING THE FISCAL YEAR 2022-23 ENGINEER'S REPORT FOR THE CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT; DECLARING ITS INTENTION TO LEVY AN ASSESSMENT IN FISCAL YEAR 2022-23 IN THAT DISTRICT; AND CALLING A PUBLIC HEARING FOR APRIL 5, 2022

WHEREAS, At the regular meeting of June 16, 1987, the City Council adopted Resolution 1987-23, ordering the formation of the Cypress Cove II Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals; and

WHEREAS, the City Engineer, on the direction of the City Council, has filed with the City Clerk a report with respect to the Fiscal Year 2022-23 levy of the assessment in connection with the Assessment District (the "Report"); and

WHEREAS, the Report is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference; and

WHEREAS, the Report recommends that the assessment rate remain at \$180.78 per parcel; and

WHEREAS, the City Council desires to proceed with the process for levying the Fiscal Year 2022-23 levy of assessments in connection with the Assessment District prior to the August 1, 2022 deadline with the Monterey County Auditor-Controller.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The Report is hereby preliminarily approved as filed.
2. The Council declares its intention to levy and collect assessments in the Assessment District for Fiscal Year 2022-23 as described in the Report.
3. Reference is made to the Report for a full and detailed description of (i) the improvements to be operated and maintained in connection with the Assessment District; (ii) the boundaries of the Assessment District; and (iii) the proposed assessments upon assessable lots and parcels of land within the Assessment District. The Report describes, among other things, each affected parcel of real property and the amount of the assessments for each such affected parcel for Fiscal Year 2022-23. The Assessment District generally includes all residential parcels in the Cypress Cove II subdivision. The amount of the assessment and the general nature of the improvements are not proposed to change from the prior year.
4. A public hearing on the levy of assessments in Fiscal Year 2022-23 in connection with each of the Districts is scheduled for Tuesday, April 5, 2022, at 6:30 P.M. or as soon thereafter as the matter may be heard in conformance with Governor Newsom's Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic. Public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. Information on the broadcasting and Public Participation during this meeting will be posted on the Meeting Agenda.

5. Staff is directed to give notice of the public hearing pursuant to Section 22626(a) of the Act.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th day of March 2022, by the following vote:

AYES: COUNCIL MEMBERS: Burnett, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Medina Dirksen, Berkley

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk



**CITY OF MARINA
MONTEREY COUNTY
CALIFORNIA**

**CYPRESS COVE II
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT

ENGINEER'S REPORT**

FY 2022-2023

Council Members:

B. DELGADO, MAYOR

**L. BERKLEY
K. BIALA**

**D. BURNETT
C. MEDINA DIRKSEN**

**LAYNE LONG
ANITA SHEPHERD-SHARP
ROBERT WELLINGTON
BRIAN MCMINN**

**City Manager
Deputy City Clerk
City Attorney
Public Works Director/City Engineer**

**Prepared By
City of Marina
Public Works Department**

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2022-2023

This report concerns the Cypress Cove II Landscape Maintenance Assessment District.

The Assessment District consists of the Cypress Cove II Subdivision located in the westerly portion of the City of Marina just east of the Highway I and Reservation Road interchange. The subdivision is bounded on three sides by Abdy Way, Cardoza Avenue, and Beach Road, contains 110 lots, a percolation pond parcel (Parcel B), and an emergency access road (Parcel C).

The subdivision consists of 110 single family homes complete with underground utilities, water and wastewater facilities, street and drainage improvements, and landscaping. The Assessment District has been formed for the purpose of maintaining the exterior boundary landscaping and retaining walls, installed and paid for by the developer.

This report has been prepared pursuant to Sections 22565 through 22574 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The existing improvements to be maintained which are the subject of this report, are briefly described as follows:

All exterior landscaping elements located adjacent to the subdivision boundaries along Abdy Way, Cardoza Avenue, and Beach Road and outside the chain link fence on Parcel B are considered as the improvements included in the Assessment District. Landscaping elements consist of hydroseeded areas, groundcover, shrubs, trees, irrigation pipelines, controllers, valves, sprinklers, masonry retaining walls, and electrical service. Plans and specifications showing these existing improvements which are to be maintained are on file in the City of Marina Public Works Division.

This report includes the following attached exhibits:

EXHIBIT A - An assessment diagram and boundary map showing all of the parcels of the real property within the Assessment District. The diagram is keyed to Exhibit C by the separate "Assessment Number".

EXHIBIT B - Spreadsheet showing estimated costs for FY 2021-2022 and estimated costs for FY 2022-2023 and FY 2023-2024.

EXHIBIT C - An assessment roll showing the amount proposed to be assessed against each parcel of real property within this Assessment District. In addition to the Assessor's Parcel Number each parcel has been assigned a separate "Assessment Number" which corresponds to that parcels lot number.

Page Two
Engineer's Report
Cypress Cove II Landscape Maintenance Assessment District

EXHIBIT D - Method of determination of assessment spread.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'B. McMinn', is positioned above a horizontal line.

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

March 2022

EXHIBIT B

CYPRESS COVE II LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates FY 2021-2022	Estimates FY 2022-2023	Estimates FY 2023-2024
Beginning Cash Balance, July 1 st	\$ 3,763	\$ 6,424	\$ 5,184
(a) Total Assessment Revenues (110 Parcels)	\$ 19,886	\$ 19,886	\$ 19,886

Expenditures

Contractor Services			
(b) Landscape Maintenance Contract	\$ 6,360	\$ 6,551	\$ 6,747
Utilities	\$ 925	\$ 925	\$ 1,000
Large Tree Trimming	\$ 3,640	\$ -	\$ 3,000
Extraordinary Maintenance	\$ -	\$ 8,650	\$ 2,880
Tree/Plant Replacement	\$ -	\$ -	\$ 775
Administrative Services			
Supervision	\$ -	\$ -	\$ -
Administration (Incl. Engineers Report)	\$ 3,000	\$ 2,000	\$ 2,000
Cost Allocation Plan Charges	\$ 2,750	\$ 2,750	\$ 2,750
Legal Advertising	\$ 550	\$ 250	\$ 250
Total Expenditures	\$ 17,225	\$ 21,126	\$ 19,402

(c) Net Change in Fund Balance	\$ 2,661	\$ (1,240)	\$ 484
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(d) Ending Fund Balance, June 30 th	\$ 6,424	\$ 5,184	\$ 5,667
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(a) Maximum Assessment per Prop 218 is \$180.78 per parcel. The assessment amount for FY22-23 is consistent with FY21-22 at \$180.78 per parcel. Final total assessment revenue includes interest income totals.

(b) Maintenance Costs are shown as increasing per fiscal year by an estimated Consumer Cost Index (CPI) of 3% as allowed by the Contract Specifications.

(c) Net Change in Fund Balance equals the Total Expenditures subtracted from Total Assessment Revenue for that Fiscal Year.

(d) End Fund Balance equals the Net Change in Fund Balance plus the Beginning Cash Balance of that Fiscal Year.

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
1	33-076-01	\$180.78
2	33-076-02	\$180.78
3	33-076-03	\$180.78
4	33-076-04	\$180.78
5	33-076-05	\$180.78
6	33-076-06	\$180.78
7	33-076-07	\$180.78
8	33-076-08	\$180.78
9	33-076-09	\$180.78
10	33-076-10	\$180.78
11	33-076-11	\$180.78
12	33-076-12	\$180.78
13	33-076-13	\$180.78
14	33-076-14	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
15	33-076-15	\$180.78
16	33-076-16	\$180.78
17	33-076-17	\$180.78
18	33-076-18	\$180.78
19	33-076-19	\$180.78
20	33-076-20	\$180.78
21	33-076-21	\$180.78
22	33-076-22	\$180.78
23	33-076-23	\$180.78
24	33-076-24	\$180.78
25	33-076-25	\$180.78
26	33-076-26	\$180.78
27	33-076-27	\$180.78
28	33-076-28	\$180.78
29	33-076-29	\$180.78
30	33-076-30	\$180.78
31	33-076-31	\$180.78
32	33-076-32	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
33	33-076-33	\$180.78
34	33-076-34	\$180.78
35	33-076-35	\$180.78
36	33-076-36	\$180.78
37	33-076-37	\$180.78
38	33-076-38	\$180.78
39	33-076-39	\$180.78
40	33-076-40	\$180.78
41	33-076-41	\$180.78
42	33-076-42	\$180.78
43	33-076-43	\$180.78
44	33-076-44	\$180.78
45	33-076-45	\$180.78
46	33-076-46	\$180.78
47	33-076-47	\$180.78
48	33-076-48	\$180.78
49	33-076-49	\$180.78
50	33-076-50	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
51	33-076-51	\$180.78
52	33-076-52	\$180.78
53	33-076-53	\$180.78
54	33-076-54	\$180.78
55	33-076-55	\$180.78
56	33-076-56	\$180.78
57	33-076-57	\$180.78
58	33-076-58	\$180.78
59	33-076-59	\$180.78
60	33-076-60	\$180.78
61	33-076-61	\$180.78
62	33-076-62	\$180.78
63	33-076-63	\$180.78
64	33-076-64	\$180.78
65	33-076-65	\$180.78
66	33-076-66	\$180.78
67	33-076-67	\$180.78
68	33-076-68	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
69	33-076-69	\$180.78
70	33-076-70	\$180.78
71	33-076-71	\$180.78
72	33-076-72	\$180.78
73	33-076-73	\$180.78
74	33-075-01	\$180.78
75	33-075-02	\$180.78
76	33-075-03	\$180.78
77	33-075-04	\$180.78
78	33-075-05	\$180.78
79	33-075-06	\$180.78
80	33-075-07	\$180.78
81	33-075-08	\$180.78
82	33-075-09	\$180.78
83	33-075-10	\$180.78
84	33-075-11	\$180.78
85	33-075-12	\$180.78
86	33-075-13	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
87	33-075-14	\$180.78
88	33-075-15	\$180.78
89	33-075-16	\$180.78
90	33-075-17	\$180.78
91	33-075-18	\$180.78
92	33-075-19	\$180.78
93	33-075-20	\$180.78
94	33-076-74	\$180.78
95	33-076-75	\$180.78
96	33-076-76	\$180.78
97	33-076-77	\$180.78
98	33-076-78	\$180.78
99	33-076-79	\$180.78
100	33-076-80	\$180.78
101	33-076-81	\$180.78
102	33-076-82	\$180.78
103	33-076-83	\$180.78
104	33-076-84	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
105	33-076-85	\$180.78
106	33-076-86	\$180.78
107	33-076-87	\$180.78
108	33-076-88	\$180.78
109	33-076-89	\$180.78
110	33-076-90	\$180.78
111		EXEMPT
112		EXEMPT

EXHIBIT D

METHOD OF DETERMINATION OF ASSESSMENT SPREAD

The maintenance of the subdivision exterior boundary landscaping benefits the Assessment District as a whole. Therefore, the assessment spread should be based on the number of building sites or lots contained within the district.

Assessments shall be spread over the 110 lots indicated on the Assessment Diagram (Exhibit A).

March 10, 2022

Item No. **8f(3)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of March 15, 2022

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2022-,
PRELIMINARILY APPROVING THE FISCAL YEAR 2022-23
ENGINEER'S REPORT FOR THE CYPRESS COVE II LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT; DECLARING ITS
INTENTION TO LEVY AN ASSESSMENT IN FISCAL YEAR 2022-23 IN
THAT DISTRICT; AND CALLING A PUBLIC HEARING FOR APRIL 5,
2022**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2022-, preliminarily approving the Fiscal Year 2022-23 Engineer's Report for the Cypress Cove II Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2022-23 in that district; and calling a public hearing for April 5, 2022.

BACKGROUND:

At the regular meeting of June 16, 1987, the City Council adopted Resolution 1987-23, ordering the formation of the Cypress Cove II Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals.

The Landscaping and Lighting Act of 1972 requires an annual update report to be prepared, which includes the costs to maintain the improvements of the Cypress Cove II Landscape Maintenance Assessment District and what the proposed assessments will be to provide for that maintenance.

The first step in the annual update process is for the City Council to initiate the process by adopting a resolution ordering the City Engineer to prepare and file an Engineer's Report for the District. After initiation of the update process and preparation of the update report, the City Council will be requested to adopt a resolution of intention to set a Public Hearing. Lastly, a Public Hearing will be held at a subsequent City Council meeting where the Assessment District's levy amount is approved and confirmed, resulting in the adoption of a resolution confirming the levy of assessment pursuant to the provisions of the Landscape and Lighting Act of 1972 of Part 2 of Division 15 of the Streets and Highways Code of the State of California.

At the regular meeting of March 1, 2022, the City Council adopted Resolution No. 2022-24, ordering the City Engineer to prepare and to file a report related to maintenance of the Cypress Cove II Landscape Maintenance Assessment District for Fiscal Year 2022-23.

ANALYSIS:

Staff has prepared an Engineer's Report for the Cypress Cove II Maintenance Assessment District for FY 2022-23 and filed the report with the City Clerk. Staff is proposing assessment amounts as follows:

	<u>Current FY 2021-22</u>	<u>Proposed FY 2022-23</u>
Cypress Cove II (110 parcels)	\$180.78	\$180.78

During the public hearing for the FY 21/22 assessment, residents requested a review of proposed improvement costs and whether an increase in the special tax assessment was needed to fund construction of those improvements. In November 2021, staff met with the District's contract landscape maintenance contractor (New Image Landscape) to evaluate the current costs for proposed improvements that residents have provided input to the City.

On February 22, 2022, City staff conducted two public outreach forums to present the cost proposals for the following improvements: new irrigation backflow preventer, four (4) new cypress trees, temporary irrigation improvements to establish the new trees, and replacement of the existing irrigation pedestal. The City also received comments from District residents for any additional improvements for the District. Upon review by legal counsel, staff has concluded that the cost of proposed improvements at this time do not warrant increasing the special tax assessment.

Staff is requesting that the City Council approve setting a public hearing for April 5, 2022 to hear concerns on levying and collection of the proposed assessment on this district. Staff will mail notices to all affected property owners upon City Council approval of the public hearing.

Once the hearing is completed and the levy approved, the City has until August 1, 2022 to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller.

FISCAL IMPACT:

Adequate funding for providing notices for the public hearing has been appropriated in the FY 21/22 budget account for Cypress Cove II. There is no fiscal impact to preliminarily approving the Engineer's Report and setting a public hearing.

CONCLUSION:

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

Respectfully submitted,

Saber Messhenas
Assistant Civil Engineer/Public Works Department
City of Marina

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