

RESOLUTION NO. 2024-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA  
CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$180.78 FOR  
FY 2024-25 ASSESSMENT FOR THE CYPRESS COVE II LANDSCAPE  
MAINTENANCE ASSESSMENT DISTRICT AND AUTHORIZING THE CITY CLERK  
TO FILE A CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH THE  
MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO AUGUST 1, 2024

WHEREAS, on June 16, 1987, the City ordered the formation of the Cypress Cove II Landscape Maintenance District pursuant to Streets and Highway Code §22594, and;

WHEREAS, the City Engineer filed the Engineer's Report, fiscal year 2024-2025, required by Streets and Highways Code §22622 for said District, and;

WHEREAS, on May 7, 2024, the City received said Engineer's Report, declared its intention to levy and collect assessments within said District and set a hearing to ascertain whether the City shall order the levy and assessment of said assessment, and;

WHEREAS, said public hearing was held on May 21, 2024, and;

WHEREAS, levying of the assessment is the first step to collect the assessments to fund the landscape maintenance districts, and;

WHEREAS, provisions of this resolution are severable and if anyone provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect, and;

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

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$180.78, for FY 2024-25 assessment for Cypress Cove II Landscape Maintenance Assessment District.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of the Cypress Cove II Landscape Maintenance Assessment District shall be repaid from the next annual assessments levied and collected within the Cypress Cove II Landscape Maintenance Assessment District.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 1, 2024.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21<sup>st</sup> day of May 2024, by the following vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Delgado

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

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Liesbeth Visscher, Mayor Pro Tem

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Anita Sharp, Deputy City Clerk



CITY OF MARINA  
MONTEREY COUNTY  
CALIFORNIA

**CYPRESS COVE II  
LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT  
  
ENGINEER'S REPORT**

**FY 2024-2025**

Council Members:

B. DELGADO, MAYOR

B. MCCARTHY  
K. BIALA

L. VISSCHER  
J. MCADAMS

LAYNE LONG  
ANITA SHEPHERD-SHARP  
RENÉ ORTEGA  
NOURDIN KHAYATA

City Manager  
Deputy City Clerk  
City Attorney  
Interim Public Works Director

Prepared By  
City of Marina  
Public Works Department

CYPRESS COVE II  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2024-2025

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 2023-2024 and estimated costs for FY 2024-2025 and FY 2025-2026.

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

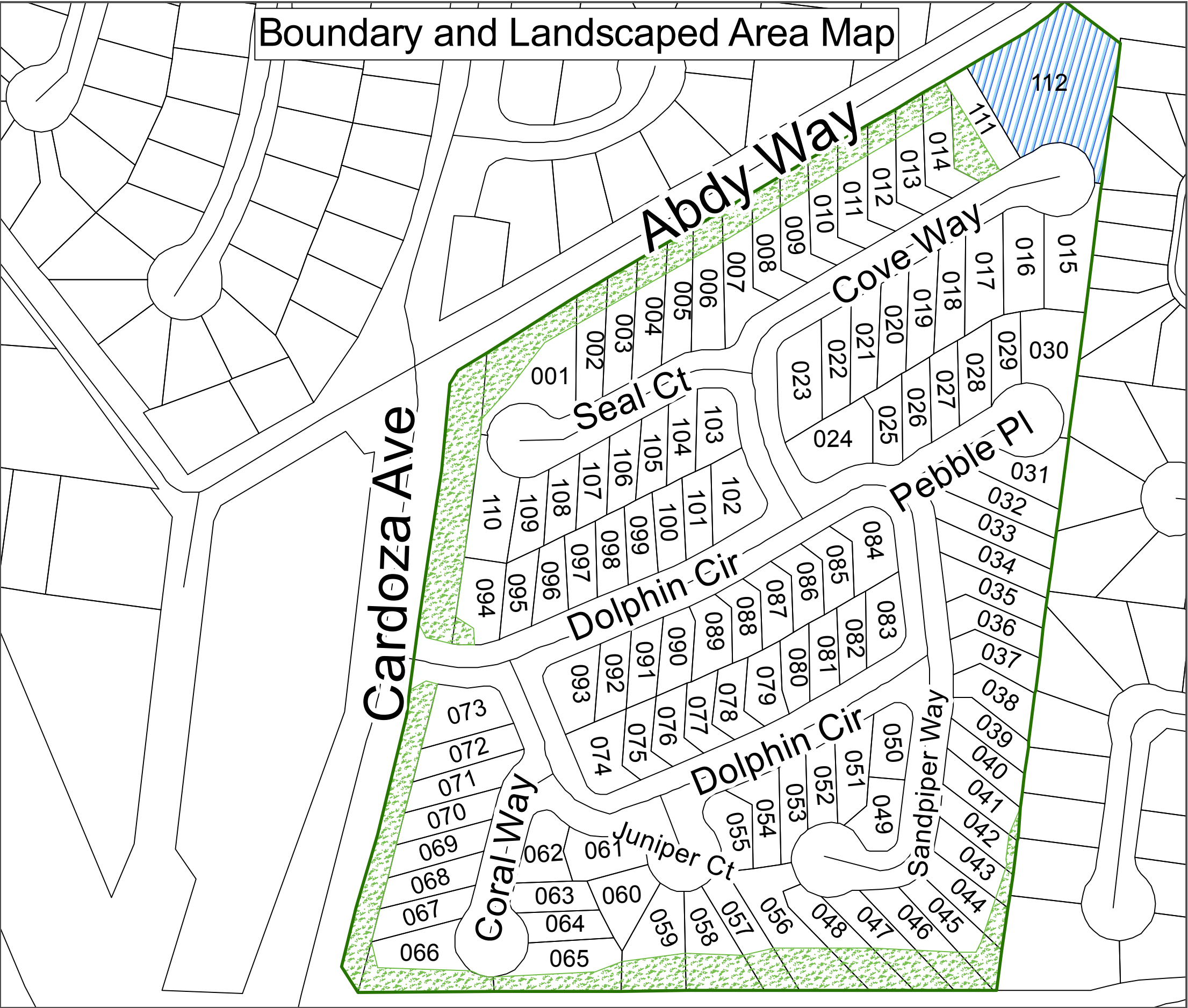
EXHIBIT D - Method of determination of assessment spread.

Respectfully Submitted,

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Nourdin Khayata, PE  
Interim Public Works Director

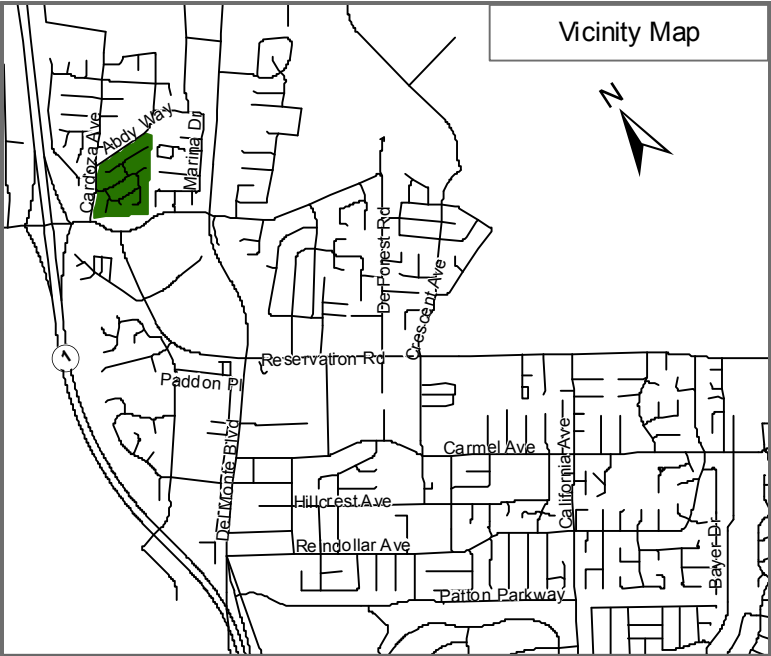
April 2024



Boundary and Landscaped Area Map

EXHIBIT A

Cypress Cove II  
Landscape Maintenance District



Legend

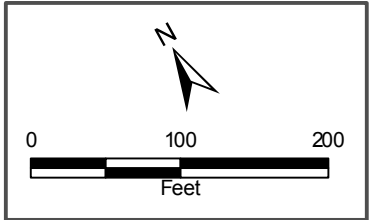
Cypress Cove II

- Boundary
- Landscaped Area  
2.00 Acres
- Parcels
- Percolation Lot
- Roads

Date: April 15th, 2009

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The City of Marina and Monterey County GIS should be queried for the most current information. Parcel data is of mapping grade only and does not represent reliable locations or legal boundaries.

Sources: Monterey County GIS, City of Marina CDD  
Map Projection: California State Plane Zone IV, NAD 83 (Feet)



# EXHIBIT B

## CYPRESS COVE II LANDSCAPE MAINTENANCE DISTRICT

| Summary                                      | Estimates<br>FY 2023-2024 | Estimates<br>FY 2024-2025 | Estimates<br>FY 2025-2026 |
|----------------------------------------------|---------------------------|---------------------------|---------------------------|
| Beginning Cash Balance, July 1 <sup>st</sup> | \$ 9,702                  | \$ 4,533                  | \$ 631                    |
| (a) Total Assessment Revenues (110 Parcels)  | \$ 19,886                 | \$ 19,886                 | \$ 19,886                 |

### Expenditures

| Contractor Services                     |                  |                  |                  |
|-----------------------------------------|------------------|------------------|------------------|
| (b) Landscape Maintenance Contract      | \$ 6,360         | \$ 6,588         | \$ 6,786         |
| Utilities                               | \$ 831           | \$ -             | \$ -             |
| Large Tree Trimming                     | \$ 2,100         | \$ 1,500         | \$ -             |
| Extraordinary Maintenance               | \$ 9,565         | \$ 10,500        | \$ -             |
| Tree/Plant Replacement                  | \$ -             |                  |                  |
| Administrative Services                 |                  |                  |                  |
| Supervision                             | \$ -             | \$ -             | \$ -             |
| Administration (Incl. Engineers Report) | \$ 3,200         | \$ 2,200         | \$ 2,200         |
| Cost Allocation Plan Charges            | \$ 2,750         | \$ 2,750         | \$ 2,750         |
| Legal Advertising                       | \$ 250           | \$ 250           | \$ 250           |
| <b>Total Expenditures</b>               | <b>\$ 25,056</b> | <b>\$ 23,788</b> | <b>\$ 11,986</b> |

|                                |            |            |          |
|--------------------------------|------------|------------|----------|
| (c) Net Change in Fund Balance | \$ (5,170) | \$ (3,902) | \$ 7,900 |
|--------------------------------|------------|------------|----------|

|                                                |          |        |          |
|------------------------------------------------|----------|--------|----------|
| (d) Ending Fund Balance, June 30 <sup>th</sup> | \$ 4,533 | \$ 631 | \$ 8,531 |
|------------------------------------------------|----------|--------|----------|

(a) Maximum Assessment per Prop 218 is \$180.78 per parcel. The assessment amount for FY24-25 is consistent with FY23-24 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 2024-2025

| DIAGRAM &<br>ASSESSMENT NO. | ASSESSOR'S<br>PARCEL NUMBER | NET<br>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 2024-2025

| DIAGRAM &<br>ASSESSMENT NO. | ASSESSOR'S<br>PARCEL NUMBER | NET<br>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 2024-2025

| DIAGRAM &<br>ASSESSMENT NO. | ASSESSOR'S<br>PARCEL NUMBER | NET<br>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 2024-2025

| DIAGRAM &<br>ASSESSMENT NO. | ASSESSOR'S<br>PARCEL NUMBER | NET<br>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 2024-2025

| DIAGRAM &<br>ASSESSMENT NO. | ASSESSOR'S<br>PARCEL NUMBER | NET<br>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 2024-2025

| DIAGRAM &<br>ASSESSMENT NO. | ASSESSOR'S<br>PARCEL NUMBER | NET<br>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 2024-2025

| DIAGRAM &<br>ASSESSMENT NO. | ASSESSOR'S<br>PARCEL NUMBER | NET<br>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).

May 14, 2024

Item No. **11a**

Honorable Mayor and Members  
of the Marina City Council

City Council Meeting  
of May 21, 2024

**CITY COUNCIL OPEN PUBLIC HEARING, TAKE TESTIMONY  
FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO.  
2024-, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING  
LEVY OF \$180.78 FOR THE FY 2024-25 ASSESSMENT FOR THE  
CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT  
DISTRICT; AND AUTHORIZING THE CITY CLERK TO FILE A  
CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH  
THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO  
AUGUST 1, 2024**

**REQUEST:**

It is requested that the City Council:

1. Open public hearing and take testimony from the public;
2. Consider adopting Resolution No. 2024-, confirming diagram, assessment and ordering levy of \$180.78 for the FY 2024-25 assessment for the Cypress Cove II Landscape Maintenance Assessment District; and
3. Authorize City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2024.

**BACKGROUND:**

At the regular meeting of June 16, 1987, the City Council adopted Resolution No. 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.

At the regular meeting of May 7, 2024, the City Council adopted Resolution No. 2024-36, receiving the FY 2024-25 Engineer's Report for the Cypress Cove II Landscape Maintenance Assessment District and calling a public hearing for May 21, 2024, on the proposed intention to levy and collect assessments for the District.

**ANALYSIS:**

Based on the Engineer's Report (**EXHIBIT A**), the annual assessment has been set in the amount of \$180.78. This is the same amount as last year's assessment and is the upper limit set by the assessment district at its formation in 1987. This current annual assessment of \$180.78 has not changed since 2004.



The Contractor completed the first phase of site restoration by replacing and relocating the water backflow preventor this fiscal year. Plans to continue site restoration has ceased due to requests from various Residents of the District for a community-wide outreach approach to improvements in the District.

Staff held two community outreach meetings with District Residents on March 22 and 27. During these two meetings, residents expressed their dissatisfaction with tree maintenance due to a low assessment rate and their unanimous desire to assess the health of the Cypress Trees in the District. Since over 70 District Cypress Trees were planted back in 1987, a general lack of adequate maintenance due to poor funding has led to several trees dying or being uprooted during unprecedented weather events. Residents have a vested interest in the health of existing trees and the best management practices necessary to care for them. Staff requested a cost proposal from the City's on-call consultant arborist Denise Duffy & Associates to provide the assessment report requested by the Residents and to help answer questions directly from the District regarding how to better care for the trees moving forward.

Once the Arborist report is completed, a comprehensive multi-year plan will be developed and presented to the District in a series of community outreach meetings to discuss maintenance plan costs and next steps for a Proposition 218 vote to adequately fund the maintenance plan.

**FISCAL IMPACT:**

Costs associated with the Arborist Report and planned community outreach meetings are detailed in Exhibit B of the Engineer's Report. Should the City Council approve this request, the anticipated revenue for the FY 2024-25 assessment levy of \$19,885.80 should be adequate for the purpose of the landscape maintenance district.

Levying of the assessment is the first step to collect the assessments to fund the landscape maintenance district.

**CONCLUSION:**

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

Respectfully submitted,

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Edrie Delos Santos, P.E.  
Public Works Department  
City of Marina

**REVIEWED/CONCUR:**

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Nourdin Khayata, P.E.  
Interim Public Works Director  
City of Marina

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Layne P. Long  
City Manager  
City of Marina