

RESOLUTION NO. 2015-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA  
DECLARING GROWING WEEDS, RUBBISH AND/OR REFUSE ACCUMULATIONS  
UPON CERTAIN SPECIFIED PRIVATE PROPERTY PARCELS TO BE PUBLIC  
NUISANCES, AUTHORIZING NOTICE TO ABATE SUCH NUISANCES, SET PUBLIC  
HEARING DATE OF TUESDAY, JUNE 16, 2015, TO RECEIVE OBJECTIONS TO ABATE  
SUCH WEEDS, RUBBISH AND/OR REFUSE AND SET PUBLIC HEARING FOR  
TUESDAY, JULY 7, 2015, TO CONFIRM ANY ASSESSMENT OF COSTS FOR WEED  
ABATEMENT TO BE LEVIED AGAINST ANY PARCEL NOT IN COMPLIANCE AND  
DIRECT FILING OF SUCH LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE

WHEREAS, this City, pursuant to Government Code Section 39560 et. seq., is authorized to declare weeds growing upon, as well as rubbish and refuse accumulated upon, sidewalks and private property within the City, to be public nuisances, and to take actions for the abatement of said nuisances, and;

WHEREAS, City staff has previously canvassed the City to locate areas of such nuisances, and have informally written to the property owners involved in order to obtain their voluntary cleaning up of offensive weeds, rubbish and refuse, and;

WHEREAS, on a certain number of specified parcels of real property within the City, as set forth in "**Exhibit A**" attached hereto, no action has been taken and said weeds, rubbish and refuse remain.

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

1. Declare growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances;
2. Authorize notice to abate such nuisances;
3. Set public hearing date of Tuesday, June 16, 2015, to receive objections to abate such weeds, rubbish and/or refuse;
4. Set public hearing for Tuesday, July 7, 2015, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and;
5. Direct filing of such levy with Monterey County Assessor's Office.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held the 5<sup>th</sup> day of May 2015, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Morton, O'Connell, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

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Bruce C. Delgado, Mayor

ATTEST:

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Anita Sharp, Deputy City Clerk

# 2015 Weed Abatement List - First Inspection

(April 1 - April 13, 2015)

EXHIBIT A

Map#	APN#	Date	Address	Property Owners	Mailing Address	City, State, Zip Code
`3-1	33251002	4/9/2015	3143 Lake Drive	Nimr Sawsan Al	3143 Lake Drive	Marina, CA 93933
`3-2	33251003	4/9/2015	3147 Lake Drive	Karen Moore	3147 Lake Drive	Marina, CA 93933
`3-3	33231018	4/13/2015	3095 Lake Drive	Greg Mayer	3095 Lake Drive	Marina, CA 93933
`4-1	32052004	4/12/2015	236 Peninsula Drive	Phillip & Yvonne Galutira	P.O. Box 2317	Mariposa, CA 95338
`5-1	33211001	4/9/2015	3190 Ninole Drive	Ricardo DeGuzman	3190 Ninole Drive	Marina, CA 93933
`5-2	33111023	4/13/2015	160 Reservation Road	Kyung H. Chee	22630 Domino Road	Monterey, CA 93940
`5-3a	33111011	4/13/2015	Beach Road	Michelle R. Van Roekel	c/o Joseph Rubin, 255 Carquinez Court	Benicia, CA 94510
`5-3b	33111012	4/13/2015	Beach Road	Jack & Bonnie Padrick, TRS	30 Burning Tree	Novato, CA 94949
`5-3c	33111026	4/13/2015	Beach Road	Monterey Peninsula Retail Investment, LLC	6219 Ramirez Mesa Road	Malibu, CA 90265
`6-1	33021024	4/11/2015	134 Silverwood Place	Vilaivan Siri Sambhand	1206 Pinehurst Drive	Aptos, CA 95003
`6-2	33021054	4/11/2015	3321 Abdy Way	Steven & Aileen Mickel	19 Yerba Buena Court	Monterey, CA 93940
`6-3	33012025	4/11/2015	179 Healy Avenue	Rosalinda Nazareta ETAL	219 Ravine Drive	Pittsburg, CA 94565
`6-4	33011006	4/11/2015	3320 Abdy Way	Iglesia Ni Cristo	770 Airport Blvd.	Burlingame, CA 94010
`7-1	33032031	4/11/2015	3353 Cardoza Avenue	Johnathan Shu & Christine Kyauk	3353 Cardoza Avenue	Marina, CA 93933
`8-1	32011035	4/11/2015	224 Cosky Drive	Tam Than Nguyen	224 Cosky Drive	Marina, CA 93933
`8-2	32021015	4/11/2015	3289 Michael Drive	Marina Cypress Apartments, LLC	850 Fletcher Lane, Suite 1	Hayward, CA 94544
`9-1	32554008	4/11/2015	305 Quebrada Del Mar	Wells Fargo Bank NA TRS	3815 SW Temple	Salt Lake City, Utah 84115
`9-2	32444010	4/11/2015	3202 Tallmon Street	James & Frances Sullivan	3202 Tallmon Street	Marina, CA 93933
`9-3	32441009	4/11/2015	297 Whitney Place	Elena Mount	297 Whitney Place	Marina, CA 93933
`9-4	32441003	4/11/2015	304 Whitney Place	Dung Van Trinh & Pham Hoan, Co TRS	127 Robin Drive	Marina, CA 93933
`9-5	32101030	4/11/2015	3154 Crescent Avenue	Wade Fernside ETAL	1065 Castro Valley Road	Gilroy, CA 95020
`9-6	32101029	4/11/2015	3158 Crescent Avenue	Thang Duc Nguyen & Ho Thu-Ahn	293 Reindollar Avenue	Marina, CA 93933
`10-1	32171018	4/13/2015	Vacant lot on DeForest	Seven Day Advenist Church	P.O. Box 770	Clovis, CA 93613
`10-2	32171036	4/13/2015	Vacant lot on DeForest	CHISPA	295 Main Street, Suite 100	Salinas, CA 93901
`10-3	32201004	4/13/2015	273 Carmel Avenue	Shirin Riazi, ETAL	c/o Creative Property, 1200 Del Monte	Monterey, CA 93940
`10-4	32201005	4/13/2015	283 Carmel Avenue	Annie Felix, TRS	3245 Estrella Del Mar	Marina, CA 93933
`10-5	32010028/29	4/13/2015	Seacrest Avenue	Salvatore Cardinale	16092 Sharon Lane	Monterey, CA 93940
`10-6	32020001	4/13/2015	Seacrest Avenue	Bennie Shuman	P.O. Box 223079	Carmel, CA 93922
`11-1	32192051	4/13/2015	208 Mortimer Lane	Monterey Korean Covenant Church	P.O. Box 797	Marina, CA 93933
`11-2	32192003	4/13/2015	222 Mortimer Lane	David Neenan, ETAL	P.O. Box 1309	Seaside, CA 93955
`11-3	32181002	4/13/2015	204-212 Reservation Road	Gisse Property Limited Partnership	P.O. Box 844	Marina, CA 93933
`11-4	32181003	4/13/2015	214-222 Reservation Road	Gisse Property Limited Partnership	P.O. Box 844	Marina, CA 93933
`12-1	32281012	4/12/2015	276 Carmel Avenue	Charles & Elizabeth Frost	P.O. Box 2507	Monterey, CA 93940
`12-2	32291045	4/12/2015	264 Carmel Avenue	Kenneth and Yoko Nishi JT	257 Bennett Court	Marina, CA 93933
`13-1	32391060	4/8/2015	3036 King Circle	Michael & Lolita Meazell	3210 Canada Raod	Gilroy, CA 95020
`13-2	32391076	4/8/2015	3013 Kennedy Court	Thara Sooksrikasem	P.O. Box 51610	Pacific Grove, CA 93950
`14-1	32262010	4/7/2015	3085 California Avenue	Shuching Hao	P.O. Box 1776	Freedom, CA 95019
`14-2	32262011	4/7/2015	415 Karen Court	Anna Cuva	415 Karen Court	Marina, CA 93933
`15-1	32151026	4/8/2015	3131 Crestview Court	Yoko Johnson Trust	990 Wainwright Street	Monterey, CA 93940



April 25, 2015

Item No: **8f(1)**

Honorable Mayor and Members  
of the Marina City Council

City Council Meeting  
of May 5, 2015

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2015-,  
DECLARING GROWING WEEDS, RUBBISH AND/OR REFUSE  
ACCUMULATIONS UPON CERTAIN SPECIFIED PRIVATE PROPERTY  
PARCELS TO BE PUBLIC NUISANCES, AUTHORIZING NOTICE TO ABATE  
SUCH NUISANCES, SET PUBLIC HEARING DATE OF TUESDAY, JUNE 16,  
2015, TO RECEIVE OBJECTIONS TO ABATE SUCH WEEDS, RUBBISH  
AND/OR REFUSE, SET PUBLIC HEARING FOR TUESDAY, JULY 7, 2015, TO  
CONFIRM ANY ASSESSMENT OF COSTS FOR WEED ABATEMENT TO BE  
LEVIED AGAINST ANY PARCEL NOT IN COMPLIANCE AND DIRECT  
FILING OF SUCH LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE**

**REQUEST:**

It is requested that the City Council:

1. Consider adopting Resolution 2015-, declaring growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances;
2. Authorize notice to abate such nuisances;
3. Set public hearing date of Tuesday, June 16, 2015, to receive objections to abate such weeds, rubbish and/or refuse;
4. Set public hearing for Tuesday, July 7, 2015, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and;
5. Direct filing of such levy with Monterey County Assessor's Office.

**BACKGROUND:**

The California Government Code authorizes the City to declare certain properties with growing weeds, rubbish and/or refuse accumulated on sidewalks and private property within the City to be declared public nuisances.

The Marina Fire Department conducted annual inspections during the weeks of April 1, 2015 through April 14, 2015. A listing of non-complying properties requiring abatement of weeds was then prepared. Property owners were notified by mail of such noncompliance on April 28, 2015.

**ANALYSIS:**

Property owners are given an opportunity to remove weeds and clean property through June 16, 2015, prior to the date of any City Council Public Hearing to permit property owners to object to the abatement notice. The Fire Department has scheduled a second round of inspections during the weeks of May 7, 2015 through May 17, 2015.

A third round of inspection is scheduled during the weeks of May 26, 2015 through June 2, 2015. Subsequent to concluding the third round of inspections, staff will prepare an updated list of any remaining non-complying properties.

Notices of abatement will then be sent to the property owners advising them of their right to object to such notice at a public hearing at the proposed meeting of Tuesday, June 16, 2015.

In the event that any non-complying properties remain, City Public Works division employees will first attempt to clear any lots. If the remaining lots require resources and labor beyond which can be provided by City Public Works employees, staff will then advertise for bids to clean and clear these properties.

Clearing of remaining lots will be completed June 17, 18, 19, 2015. Any costs associated with public resources being committed to abatement of these nuisances will be documented.

A final list of costs will be compiled and a public notice by “registered mail” will be sent to the remaining property owners whose lots were cleared by either the City or contractors.

The City Council will then hold a final public hearing to consider these costs to hear any objections and then confirm assessment of final costs for nuisance abatement to be levied against parcel.

The first round of inspections included seventy (50) private properties plus several City owned properties which Fire Department staff has declared as “public nuisance” (“**EXHIBIT A**”).

At the conclusion of the abatement process, staff anticipates that all property owners will voluntarily comply with the appropriate nuisance abatements.

**FISCAL IMPACT:**

The cost for the Fire Department inspection is paid by general fund resources. Any costs associated with Public Works Division resources incurred to abate the remaining; non-compliant nuisances will be documented and levied against the parcel, to be paid by the parcel owner.

**CONCLUSION:**

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

Respectfully submitted,

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Doug McCoun  
Fire Chief  
City of Marina

**REVIEWED/CONCUR:**

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Layne Long  
City Manager  
City of Marina