



Legislation Details (With Text)

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On agenda: 4/15/2019 **Final action:** 4/15/2019

Title: Conduct Administrative Public Hearing for Annual Weed Abatement Program and authorize the Director of Public Works to proceed with abatement of public nuisance

Attachments: 1. Att #1 - Resolution 2019-10.pdf, 2. Att #2 - Affidavit of Posting 2019.pdf, 3. Att #3 - Notice to Destroy Weeds and Remove Rubbish and Refuse.pdf, 4. Att #4 - PP 04 15 2019 Weed Public Hearing.pdf

Date	Ver.	Action By	Action	Result
4/15/2019	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Fred A. Wilson, City Manager

PREPARED BY: Travis K. Hopkins, PE, Director of Public Works

Subject:

Conduct Administrative Public Hearing for Annual Weed Abatement Program and authorize the Director of Public Works to proceed with abatement of public nuisance

Statement of Issue:

Pursuant to Resolution 2019-10, a public hearing must be held before staff can initiate the removal of weeds, refuse, and rubbish for undeveloped private properties at the owner's expense.

Financial Impact:

Funds in the amount of \$20,500 are budgeted in Weed Abatement, Account No. 10085416.64620, for abatement of private properties. Costs for abatement of private properties will be added to the County Assessor's tax roll and these funds are reimbursed to the City.

Recommended Action:

A) Open a public hearing for any objections and protests to the proposed removal of weeds, refuse and rubbish; and following the hearing; and,

B) Authorize the Superintendent of Streets (Director of Public Works) to proceed with the abatement of said nuisance.

Alternative Action(s):

Postpone the hearing to a later date and direct staff to modify the annual weed abatement schedule.

Analysis:

On March 4, 2019, Council adopted Resolution 2019-10 declaring the certain weeds, refuse, and rubbish on private properties are a public nuisance that should be abated as provided in Division 3, Article 2, Chapter 13 of the California Government Code. The City cannot commence removal of weeds, refuse, and rubbish from private property at the owner's expense until a public hearing has been held to hear any objections and/or protests. The resolution fixed a public hearing date of April 15, 2019.

If private property owner is unable or unwilling to clear their property by their own means, City staff will complete the task. If the City clears the property, the private property owner is billed for the City's cost on their property tax bill and these funds are reimbursed to the General Fund.

Exhibit A of Resolution 2019-10 indicated a total of 133 private properties. The resolution required that notices be posted on all affected private properties not later than 10 days prior to the time of the hearing of objections. This action was taken and the Affidavit of Posting is attached.

Environmental Status:

The removal of weeds, refuse, and rubbish from undeveloped private properties is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(h), which exempts the maintenance of existing landscaping and native growth.

Strategic Plan Goal:

Enhance and maintain high quality City services

Attachment(s):

1. Resolution 2019-10
2. Affidavit of Posting Notice To Destroy Weeds
3. Notice to Destroy Weeds and Remove Rubbish and Refuse
4. PowerPoint Presentation