



Legislation Details (With Text)

File #: 23-313 **Version:** 1

Type: Administrative Public Hearing **Status:** Passed

File created: 3/27/2023 **In control:** City Council/Public Financing Authority

On agenda: 5/2/2023 **Final action:** 5/2/2023

Title: Conduct Administrative Public Hearing for the 2023 Annual Weed Abatement Program and authorize the Director of Public Works to proceed with abatement

Attachments: 1. Att #1 - Reso No. 2023-12 (Full Signatures), 2. Att #2 - Affidavit of Posting - Notarized, 3. Att #3 - 2023 Notice to Destroy Weeds and Remove Rubbish and Refuse, 4. Att #4 - 2023 Weed Abatement Public Hearing PP (FINAL)

Date	Ver.	Action By	Action	Result
5/2/2023	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Al Zelinka, City Manager

VIA: Ursula Luna-Reynosa, Director of Community Development

PREPARED BY: Jimmy Hoang, Code Enforcement Manager

Subject:

Conduct Administrative Public Hearing for the 2023 Annual Weed Abatement Program and authorize the Director of Public Works to proceed with abatement

Statement of Issue:

On April 4, 2023, the City Council adopted Resolution No. 2023-12 declaring weeds and rubbish on certain vacant, undeveloped property to be a nuisance. Pursuant to the resolution, a public hearing must be held before staff can abate these nuisance conditions on private properties at the owner's expense.

Financial Impact:

Funds in the amount of \$12,000 are budgeted in Weed Abatement, Account No. 10060301.69450, for the abatement of public and private properties. Costs for City-performed abatement of private properties are reimbursed to General Fund Account No. 10000100.47415 via a one-time special assessment added to the Orange County property tax roll of each parcel cleared.

Recommended Action:

- A) Open a public hearing for any objections to the proposed removal of weeds and rubbish; and,
- B) Authorize the Director of Public Works to proceed with the abatement of the nuisance.

Alternative Action(s):

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

Analysis:

On April 4, 2023, the City Council adopted Resolution No. 2023-12 declaring that certain weeds, refuse, and rubbish on public ways and private properties are a public nuisance and should be abated as provided in California Government Code section 39501. 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 consider any objections to this process. Resolution No. 2023-12 adopted a public hearing date for this purpose on May 2, 2023.

The Resolution requires that the private parcels be posted with a notice and that the posting be completed at least 10 days prior to this hearing. Posting was completed by April 20, 2023; the Affidavit of Posting is attached. Additionally, staff mailed a letter via regular U.S. mail service to the owner of record of each parcel to inform them of this public hearing and of the requirement to clear their property.

If a private property owner is unable or unwilling to clear their property by their own means, staff will complete the task. If the City clears the property, the private property owner is billed for the City's cost as a one-time special assessment on their property tax bill. The County of Orange then remits the funds back to the City as part of their regular property tax collection process.

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:

Non Applicable - Administrative Item

Attachment(s):

1. Resolution No. 2023-12
2. Affidavit of Posting Notice to Destroy Weeds
3. 2023 Notice to Destroy Weeds and Remove Rubbish and Refuse
4. Public Hearing PowerPoint