



City of Huntington Beach

File #: 22-469

MEETING DATE: 8/2/2022

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 Supervisor

Subject:

Adopt Resolution 2022-43 Confirming Cost Report for Weed Abatement on Private Parcels within the City for the 2022 Season

Statement of Issue:

On April 5, 2022, the City Council adopted Resolution No. 2022-11 that declared weeds and rubbish a nuisance on specific private properties. A public hearing was scheduled on May 3, 2022 for protests and objections to the abatement thereof pursuant to Huntington Beach Municipal Code (HBMC) Section 8.16.060.

Following the Public Hearing on May 3, 2022, and in accordance with HBMC Section 8.16.040, proper notices to remove weeds were conspicuously posted on or in front of all properties on which the nuisance existed. Letters were mailed to the legal owners of record, advising all such persons to keep said properties free of weeds, as required under HBMC Section 8.16.010, or the City would remove such weeds and charge for the work completed on private property. HBMC Section 8.16.080 authorizes an abatement lien to collect the costs associated with the abatement through the regular property tax bill.

A total of fourteen (14) private properties failed to comply by the prescribed due date of May 25, 2022. As provided in HBMC Section 8.16, following the abatement of weeds from private vacant parcels not cleared by the owner, a cost report of the actual costs incurred for the abatement of weeds on private properties shall be submitted to the City Council. This report is herein provided as Exhibit A.

Financial Impact:

A one-time special assessment totaling \$7,354.50 will be charged to the Orange County property tax

roll and reimbursed to the City's General Fund by the County of Orange as part of the ordinary collection process. The expenses were paid out of General Fund Account No. 10060301.69505, Weed Abatement Contracts for Repairs and Maintenance, in Fiscal Year 2021-22.

Recommended Action:

- A) Adopt Resolution 2022-43 "A Resolution of the City Council of the City of Huntington Beach Confirming the Report of the Public Works Director Regarding the Cost for Weed Abatement on Private Property Within the City for the 2022 Season," and
- B) Direct that all charges listed thereon be certified to the Orange County 2022/23 Property Tax Roll.

Alternative Action(s):

Do not approve the resolution and forego reimbursement to the City for the cost for weed abatement services performed on 14 properties.

Analysis:

Chapter 8.16 Weed Abatement of the Huntington Beach Municipal Code includes a provision for the removal of weeds on private property. In accordance with Section 8.16.010 Removal Required, "all persons owning any real property in the City are required to keep their property free from weeds... or other flammable materials that endangers the public safety by creating a fire hazard." If a property owner does not remove the weeds or flammable materials by a prescribed time, the City Council may order the Director of Public Works to do the work at the expense of the property owner.

Pursuant to City Council direction on May 3, 2022, the City has cleared 14 such properties. The cost of the work totals \$7,354.50 as reported on the attached 2022 Weed Abatement Cost Report in Exhibit A of the resolution. In accordance with Government Code Section 39575, these costs must be posted for public review prior to City Council approval. The costs were posted on the City Council Chamber bulletin board on Friday, July 22, 2022. Excepting objections to the cost report, staff recommends confirmation and approval of the 2022 Weed Abatement Cost Report.

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. 2022-43 "A Resolution of the City Council of the City of Huntington Beach Confirming the Report of the Public Works Director Regarding the Cost for Weed Abatement on Private Property Within the City for the 2022 Season"
- 2. Exhibit A - List of 14 Private Parcels

