TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: FIRE
DATE: JULY 18, 2005 CMR: 295:05
SUBJECT: PUBLIC HEARING TO CONFIRM WEED ABATEMENT REPORT AND APPROVE AND/OR MODIFY ASSESSMENTS FOR WEED ABATEMENT

RECOMMENDATION

Staff recommends Council hear and consider objections from affected property owners of proposed assessments related to completed weed abatement work and approve and/or modify the assessments for weed abatement.

BACKGROUND

The Fire Marshal's Office for Santa Clara County administers the contract for weed abatement within the City of Palo Alto, in accordance with an agreement between the City and County.

On December 13, 2004, in accordance with Chapter 8.08 of the Palo Alto Municipal Code, the City Council declared weeds to be a nuisance and ordered that the nuisance be abated. A public hearing was held on January 18, 2005, to consider objections to the proposed destruction or removal of the weeds. Once the above steps had been taken, the County Fire Marshal's Office instructed its contractor to abate weeds on City and private properties within Palo Alto. That work has now been completed. Property owners were notified the first week in December 2004 that weeds were to be abated March 2, 2005, either by the owners or by the County. If the property owners chose to have the County abate the weeds, the abatement charges would be levied against the respective properties as an assessment by the County Assessor. The County has since informed the property owners of the costs for destroying and removing the weeds.

The Fire Department has published the required notice of this hearing in the Palo Alto Weekly. The cost report by the County Fire Marshal's Office has been posted in the Council Chambers for ten days prior to this hearing.

DISCUSSION

Property owners may object to the charges for weed abatement being levied against their properties. The charge consists of the contractor's cost plus 150 percent administrative charges, in accordance with Palo Alto's contract with Santa Clara (CMR 357:00, September 18, 2000).
A representative from the County Fire Marshal's office will be present at the public hearing with the records of weed abatements that have taken place. Should there be any modifications in the proposed assessments as a result of the hearing, changes in the assessment spread will be necessary. After these recalculations are completed, the assessment will be submitted to the County Assessor for entry on the next tax roll upon which general City taxes are to be collected.

**RESOURCE IMPACT**
There is no direct fiscal impact to the City.

**POLICY IMPLICATIONS**
This procedure is consistent with existing City policies.

**ENVIRONMENTAL REVIEW**
A negative declaration for the project was prepared on December 13, 2004 (CMR 487:04) showing that no significant environmental effects will result from the weed abatement program.

**ATTACHMENTS**
Resolution
2005 Weed Abatement Assessments by the County of Santa Clara

Prepared by: _______________________________
DAN FIRTH
Acting Deputy Chief /Fire Marshal

Department Head Review: _______________________
NICHOLAS MARINARO
Fire Chief

City Manager Approval: _______________________
EMILY HARRISON
Assistant City Manager