



# City of Palo Alto

## City Council Staff Report

(ID # 4795)

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**Report Type: Action Items**

**Meeting Date: 8/4/2014**

**Summary Title: Weed Abatement Resolution**

**Title: PUBLIC HEARING: Adoption of a Resolution Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein (Continued from June 16, 2014)**

**From: City Manager**

**Lead Department: Fire**

### **Recommendation**

Staff recommends Council (1) hold a public hearing to hear and consider objections from affected property owners of proposed assessments related to completed weed abatement work; and (2) adopt the attached resolution confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

### **Background**

The Weed Abatement Division of Santa Clara County Agriculture and Environmental Management is the administrator of the contract for weed abatement within the City of Palo Alto, in accordance with an agreement established on April 18, 1977 between the City and County.

On November 18, 2013, in accordance with Chapter 8.08 of the Palo Alto Municipal Code, the City Council passed Resolution No. 9383, declaring weeds to be a nuisance and scheduled a public hearing date for objections to proposed weed abatement. A public hearing was held on January 13, 2014, to consider objections to the proposed destruction or removal of the weeds. No objections were noted. City Council passed Resolution No. 9391, ordering the weed nuisance abated. Once the above steps had been taken, the County Weed Abatement Division 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 third week in December 2013 that weeds were to be abated by April 30, 2014, 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 City Clerk has published the required notice of this hearing in the Palo Alto Weekly. The cost report by the County Weed Abatement Division has been posted on the City Hall Plaza bulletin board 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 County (Staff Report No. 2945, April 23, 2012).

A representative from the County Weed Abatement Division will be present at the public hearing with the records of weed abatement 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 made as necessary. After any recalculations are completed, and Council adopts the attached resolution confirming the abatements and ordering those costs to be imposed as liens on the abated properties, the assessments will be submitted to the County Assessor for entry on the October tax roll upon which general City taxes are to be collected.

### **Resource Impact**

There is no direct fiscal impact of this action to the City. The assessments identified on Attachment C, totaling \$1,112.40 will be imposed as liens on the properties listed and will not be borne by the City.

### **Policy Implications**

This procedure is consistent with existing City policies.

### **Environmental Assessment**

The Santa Clara County Counsel has determined the Weed Abatement Program to be Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15308.

### **Attachments:**

- Exhibit A - Resolution (DOC)
- Attachment A - Resolution # 9383 (PDF)
- Attachment B - Resolution # 9391 (PDF)
- Attachment C - 2014 SCC Weed Abatement Assessment Report for CPA (PDF)

**\*\* NOT YET APPROVED \*\***

Resolution No. \_\_\_\_\_  
Resolution of the Council of the City of Palo Alto Confirming  
Weed Abatement Report and Ordering Cost of Abatement to  
be a Special Assessment on the Respective Properties  
Described Therein

WHEREAS, the Council of the City of Palo Alto has heretofore declared weeds growing on certain properties within the City to be a public nuisance by Resolution No. 9383, dated December 9, 2013; and

WHEREAS, the Council on January 13<sup>th</sup>, 2013, did adopt Resolution No. 9391 thereby ordering the weed nuisance abated; and

WHEREAS, subsequent to the giving of said notice, the Fire Chief, through his Administrator, the Weed Abatement Division of Santa Clara County Department of Agriculture and Environmental Management, has caused to be abated the weeds on the herein described properties; and

WHEREAS, the Fire Chief, through his Administrator, the Weed Abatement Division of Santa Clara County Department of Agriculture and Environmental Management, has filed his report and assessment list for weed abatement as provided by law and a hearing has been duly set and noticed, for objections to said report and assessment list and for confirmation; and

WHEREAS, the Council has duly considered the report and assessment list and any objections thereto.

NOW, THEREFORE, the City Council of the City of Palo Alto does hereby RESOLVE as follows:

SECTION 1. The report and assessment list is in all respects complete and correct and is hereby confirmed. The amounts of the cost for abating the nuisance are confirmed and those remaining unpaid, as shown on Exhibit "A" attached hereto and incorporated herein, shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of the respective assessment.

SECTION 2. All written or oral protests or objections to said report and assessment list are overruled or denied.

SECTION 3. The unpaid assessments shown on Exhibit "A" shall be entered upon the 2013-2014 tax roll against the parcels of land and shall be collected at the same time and in the same manner as general City taxes, be subject to the same interest and penalties, and be subject to the same procedure and sale in case of delinquency. All laws and ordinances applicable to the levy, collection, and enforcement of City taxes are hereby made applicable to this special assessment.

**\*\* NOT YET APPROVED \*\***

SECTION 4. Santa Clara County has determined the weed abatement program to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Senior Deputy City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Administrative Services

\_\_\_\_\_  
Fire Chief

Resolution No. 9383  
Resolution of Intention of the Council of the City of Palo Alto  
Declaring Weeds to be a Nuisance and Setting December 9th, 2013  
for a Public Hearing for Objections to Proposed Weed Abatement

R E C I T A L S

A. Weeds, as defined in Section 8.08.010(b) of the Palo Alto Municipal Code, are anticipated to develop during calendar year 2013 upon streets, alleys, sidewalks, and parcels of private property within the City of Palo Alto sufficient to constitute a public nuisance as a fire menace when dry or are otherwise combustible, or otherwise to constitute a menace to the public health as noxious or dangerous.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. Weeds, as defined in Section 8.08.010(b) of the Palo Alto Municipal Code, which are anticipated to develop during calendar year 2013 upon streets, alleys, sidewalks, and parcels of private property within the City of Palo Alto, are hereby found and determined to constitute a public nuisance. Such nuisance is anticipated to exist upon some of the streets, alleys, sidewalks, and parcels of private property within the City, which are shown, described, and delineated on the several maps of the properties in said City which are recorded in the Office of the County Recorder of the County of Santa Clara, reference in each instance for the description of any particular street, alley, or parcel of private property being hereby made to the several maps aforesaid, and, in the event of there being several subdivision maps on which the same lots are shown, reference is hereby made to the latest subdivision map.

SECTION 2. THEREFORE, IT IS ORDERED that the said public nuisance be abated in the manner provided by Chapter 8.08 of the Palo Alto Municipal Code:

IT IS FURTHER ORDERED that a public hearing shall be held on Monday, the 9<sup>th</sup> day of December, 2013, at the hour of 7:00pm, or as soon thereafter as the matter may be heard, at the Council Chambers of the Civic Center of said City, at which the Council shall hear objections to the proposed weed abatement of such weeds and give any objections due consideration;

IT IS FURTHER ORDERED that the Fire Chief of the City of Palo Alto is directed to give notice of the public hearing in the time, manner and form provided in Chapter 8.08 of the Palo Alto Municipal Code.

SECTION 3. Unless the nuisance is abated without delay by the destruction and removal of such weeds, the work of abating such nuisance will be done by the County of Santa Clara Department of Agriculture and Resource Management Office on behalf of the City of Palo

Alto, and the expenses thereof assessed upon the lots and lands from which, and/or in the front and rear of which, such weeds shall have been destroyed and removed.

SECTION 4. The Santa Clara County, County Counsel has determined the Weed Abatement Program to be categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15308.

INTRODUCED AND PASSED: November 18, 2013


AYES: BERMAN, BURT, HOLMAN, KLEIN, KNISS, PRICE, SCHARFF, SCHMID, SHEPHERD


NOES:

ABSENT:


ABSTENTIONS:

ATTEST:

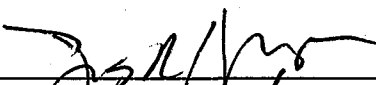
  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney  
FELICIA GROSS, ESQ.

APPROVED:

  
\_\_\_\_\_  
City Manager

Director of Administrative Services

  
\_\_\_\_\_  
Fire Chief

Resolution No. 9391  
Resolution of the Council of the City of Palo Alto Ordering  
Weed Nuisance Abated

A. On November 18, 2013, the Palo Alto City Council adopted Resolution No. 9383 declaring weeds to be a nuisance and setting December 9, 2013, at 7:00 p.m. or as soon thereafter as the matter may be heard, in the Civic Center as the time and place for a hearing of objections to the proposed destruction and removal of weeds; and

B. In accordance with said Resolution, notice of such hearing was given in the manner provided by law, as appears from the affidavits on file in the Office of the City Clerk; and.

C. All persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said weed abatement were fully heard and considered by this Council.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. Any and all objections to the proposed destruction and removal of such weeds are overruled.

SECTION 2. The Fire Chief hereby is ordered to do all things necessary and authorized in Chapter 8.08 of the Palo Alto Municipal Code to abate such nuisance, or cause the same to be abated by contract with the County of Santa Clara.

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SECTION 3. The County of Santa Clara as lead agency has determined that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15308 as an action by regulatory agencies authorized by state or local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment.

INTRODUCED AND PASSED: January 13, 2014

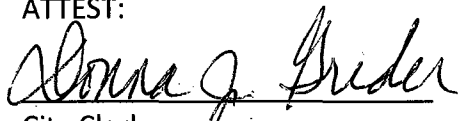
AYES: BERMAN, BURT, HOLMAN, KLEIN, KNISS, PRICE, SCHARFF, SCHMID, SHEPHERD

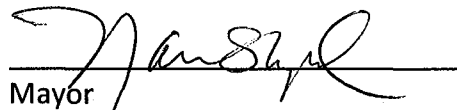
NOES:

ABSENT:


ABSTENTIONS:

ATTEST:


  
\_\_\_\_\_  
City Clerk


  
\_\_\_\_\_  
Mayor


APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney  
FELICIA GROSS

APPROVED:

  
\_\_\_\_\_  
City Manager

  
\_\_\_\_\_  
Fire Chief

  
\_\_\_\_\_  
Director of Administrative Services



**2014 Weed Abatement Program  
Assessment Report  
City of Palo Alto**

Exhibit A

	Situs		APN	OWNER ADDRESS				TAX ROLL AMT	TRA
1	733	Ramona	120-27-063	Koda, Ross K Trustee	P O Box 156	SOUTH DOS PALOS	93665	\$608.60	6001
2	2225	Alma	124-20-001	De Groot, Wilhelmus A Tr	102 Walter Hays Dr	PALO ALTO	94303-2923	\$41.00	6001
3	425	Stanford	124-31-027	Nicholls, Marie L	425 Stanford Av	PALO ALTO	94306-1149	\$41.00	6001
4	3101	Middlefield	127-53-007	Fisher Llc	3101 Middlefield Rd.	PALO ALTO	94306	\$534.40	6001
5	609	Ashton	132-04-102	Dorothea, Diana	Po Box 4366	MOUNTAIN VIEW	94040	\$41.00	6001
6	3489	Cowper	132-05-108	Mc Calley, Roderick C Et Al	3489 Cowper St	PALO ALTO	94306-3617	\$41.00	6001
7	xy		132-33-050	At&t Communications Inc. Attn;	870 N. Mccarthy Blvd Suite	MILPITAS	95035-5125	\$250.00	6001
8	405	Curtner	132-41-072	Curtner Investment Group Llc	18801 Belgrove Ct	SARATOGA	95070	\$250.00	6001
9	2321	Wellesley	137-02-024	Culpepper, James A Trustee	2121 Amherst St	PALO ALTO	94306-1205	\$41.00	6001
10	2240	Columbia	137-05-094	Guerrero, Charles J Trustee	58 Valley St	SAN FRANCISCO	94110	\$291.00	6001
11		No Situs	137-05-095	Guerrero, Charles J Trustee	58 Valley St	SAN FRANCISCO	94110	\$291.00	6001
12	2195	Columbia	137-06-036	Edelman, Andrea Trustee	2195 Columbia St	PALO ALTO	94306-1233	\$41.00	6001
13	3747	Laguna	137-14-069	Benes, Francis M Et Al	3747 Laguna Av	PALO ALTO	94306-2625	\$41.00	6059
14	4197	Baker	137-25-038	Yang, Michael X And Xu, Ying-zi	4197 Baker Av	PALO ALTO	94306-3908	\$41.00	6059
15	4103	Old Trace	175-20-078	Smithwick, Alton D And Smithwick,	Po Box 60065	PALO ALTO	94306	\$250.00	6020
16	4110	Old Trace	175-20-080	Oliff, Jay R And Oliff, Adrienne K	4110 Old Trace Rd	PALO ALTO	94306-3727	\$41.00	6020
17		Old Adobe	175-20-092	Grove, Andrew S And Grove, Eva R	171 Main St #278	LOS ALTOS	94022	\$250.00	6020
							<b>TOTAL</b>	<b>\$3,094.00</b>	