



City of Palo Alto

City Council Staff Report

(ID # 5873)

Report Type: Action Items

Meeting Date: 6/22/2015

Summary Title: Public Hearing: Adoption of a Resolution Confirming Weed Abatement & Assessment

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

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 administer 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 February 2, 2015, 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 March 2, 2015, to consider objections to the proposed destruction or removal of the weeds. No objections were noted. 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 that weeds were to be abated 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 (CMR 357:00, September 18, 2000).

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 B, totaling \$2,953.66, 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:

Attachment A –Resolution Confirming Weed Abatement Report and Ordering Cost of Abatement

Attachment B - Weed Abatement Final Property Assessment List 2015

Attachments:

- Attachment A: Resolution - Ordering Special Assessment (PDF)
- Attachment B: 2015 Weed Abatement Program Assessment Report (PDF)

Attachment A

Resolution No. _____

Resolution Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein

RECITALS

A. 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. 9489, dated February 2, 2015 and

B. The Council on March 2, 2015, did adopt Resolution No. 9499, thereby ordering the weed nuisance abated; and

C. 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

D. 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

E. The Council has duly considered the report and assessment list and any objections thereto.

NOW, THEREFORE, the Council of the City of Palo Alto does 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 2015-2016 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:

Assistant City Attorney

City Manager

Fire Chief

Director of Administrative Services

**2015 Weed Abatement Program
Assessment Report
City of Palo Alto**

Exhibit A

Situs		APN	OWNER ADDRESS		TAX ROLL AMT	IRA
1	1119 Fife	003-21-063	Jue, Kenneth R	P O Box 83	PALO ALTO 94302-0083	\$41.00 6006
2	258 Middlefield	120-02-017	"chapin, Ronald V Trustee"	258 Middlefield Rd	PALO ALTO 94301-1342	\$41.00 6006
3	733 Ramona	120-27-063	"koda, Ross K Trustee"	P O Box 156	SOUTH DOS PALOS 93665	\$250.00 6006
4	435 Seale	124-09-029	Kasahara, Michie Tr/tr	1050 Koloa St.	HONOLULU 96816	\$41.00 6006
5	739 Colorado	127-34-101	"huang, Hsing Y Et Al"	757 Seminole Wy	PALO ALTO 94303-4723	\$250.00 6006
6	0	132-33-050	At&t Communications Att: Richard	870 N. Mearthy Blvd. Suite	MILPITAS 95035-5125	\$250.00 6006
7	290 Matadero	132-34-032	"ruehl, Karl K And Sigrid T Trustee"	2391 Gabriel Av	MOUNTAIN VIEW 94040-1415	\$41.00 6006
8	531 Irvn	137-25-008	"januario, Americo M And Linda A"	2422 Gallup Dr	SANTA CLARA 95051-1212	\$41.00 6006
9	4155 Amaranta	137-26-001	"corlay, Nancy"	2810 Blenheim Av	REDWOOD CITY 94063	\$41.00 6006
10	262 Whitclem	148-02-044	"van Zant, Steven L"	262 Whitclem Dr	PALO ALTO 94306-4112	\$250.00 6006
11	285 Charleston	148-03-033	"nguyen, Jim"	3289 South Ct	PALO ALTO 94306-2951	\$291.00 6006
12	4243 Manuela	175-02-053	"strawn, Mary L And Andrew B	515 S Flower St Unit Floor 25	LOS ANGELES 90071	\$250.00 6006
13	4103 Old Trace	175-20-078	Smithwick, Alton D And Smithwick,	Po Box 60065	PALO ALTO 94306	\$625.66 6020
14	0 Old Adobe	175-20-092	"grove, Andrew S And Eva R	171 Main St #278	LOS ALTOS 94022	\$250.00 6006
15	2946 Alexis	182-40-004	"hwang, Cherng-daw And Bi-shuang	2946 Alexis Dr	PALO ALTO 94304-1301	\$291.00 6006
					TOTAL	\$2,953.66

Attachment B
2015 Weed Abatement Program

Exhibit A

Assessment Report
City of Palo Alto

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5	739	Colorado	127-34-101	"huang, Hsing Y Et Al"	757 Seminole Wy	PALO ALTO	94303-4723	\$250.00	6006
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