



City of Palo Alto

City Council Staff Report

(ID # 7154)

Report Type: Action Items

Meeting Date: 9/26/2016

Summary Title: Nuisance Abatements: 220 Matadero Avenue and 18 Roosevelt Circle

Title: PUBLIC HEARING: Adoption of a Resolution Confirming Code Enforcement Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Properties Located at 220 Matadero Avenue and 18 Roosevelt Circle

From: City Manager

Lead Department: Planning and Community Environment

Recommendation:

Staff recommends that Council (1) hold a public hearing to hear and consider objections from affected owners of properties located at 18 Roosevelt Circle and 220 Matadero Avenue of proposed assessments related to completed nuisance 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 (Attachment A).

Background:

Abatement of Nuisances

Chapter 9.56 of the Palo Alto Municipal Code declares a number of conditions public nuisances and authorizes abatement by the City when an enforcement officer determines that any such condition exists on any premises. If the nuisance condition does not constitute an immediate danger, the enforcement officer must first issue a notice to the responsible person to abate the condition by a date certain or to attend a hearing to show cause as to why the condition should not be abated. Only after the time for such abatement or hearing has passed may the enforcement officer proceed with abatement. If necessary, the City will obtain a nuisance abatement warrant from the Santa Clara Superior Court before abating the nuisance.

In the event the City is required to abate the condition, Chapter 9.56 provides that the cost of the abatement shall be a civil debt owed to the City jointly and severally by the responsible persons. If the debt is not paid upon demand, the debt may be embodied in a report and an assessment list filed with the City Clerk. Thereafter, the City Council may impose a lien in the amount of the debt, or a reduced amount, by holding a noticed public hearing to consider the

report, together with any objections or protests, as provided in Palo Alto Municipal Code Chapters 9.56 and 8.08.

Unsafe Buildings

Chapter 16.40 of the Palo Alto Municipal Code declares a number of conditions that constitutes a dangerous building or substandard residential building and authorizes abatement by the City Engineer when such conditions are not corrected. Upon determining that a structure is a dangerous or substandard building, the Chief Building Official may issue a Notice and Order requiring the property owner to correct the dangerous or substandard condition. For conditions that present an imminent threat, the Chief Building Official may also order immediate evacuation of the building and post a notice that the building shall not be occupied. If the condition remains uncorrected after a specified period of time, the Chief Building Official may order and the City Engineer may cause abatement by the City.

In the event the City is required to abate the condition, Chapter 16.40 provides that the itemized cost of abatement shall be embodied in a report filed with the City Clerk. Thereafter, the City Council may impose a lien for the cost of abatement by holding a noticed public hearing to consider the report, together with any objections or protests. Any interested person may file a written protest with the city clerk at any time prior to the hearing.

The City Clerk has posted a copy of the report and assessment list, and published the required notice of this hearing in the Palo Alto Weekly. The cost report has been posted on the City Hall Plaza bulletin board for ten days prior to this hearing.

Property owners may object to the charges for nuisance abatement being levied against their properties. Should there be any modifications in the proposed assessments as a result of the hearing; such changes will be reflected in the final resolution adopted by the Council. After the Council adopts a resolution confirming the abatements and ordering those costs to be imposed as liens or transferred to the unsecured roll, 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, and a notice of lien may be recorded with the County Recorder.

Discussion:

220 Matadero Avenue

On August 5, 2014, the City's Code Enforcement division issued a notice to abate to the property owner at 220 Matadero Avenue on the basis of an accumulation of solid waste on the premises as well as the existence of weeds, dirt, debris, and litter on the sidewalk fronting the property. The former property owner neither abated the nuisance nor appeared to contest the nuisance determination. After obtaining a nuisance abatement warrant, the code enforcement officer coordinated abatement of the nuisance with the City's Public Works, Parks, and Police departments. The total cost of the abatement, including charges for several large waste containers was \$11,456.59. After several unsuccessful attempts to collect the debt from the former property owner, staff is now seeking to have the debt levied as an assessment on the

tax roll. Because the property has been sold since the abatement was completed, the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection from the former owner.

18 Roosevelt Circle

On December 10, 2015, the City's Code Enforcement division issued a notice to abate to the property owner at 18 Roosevelt Circle on the basis of an accumulation of bicycle parts on the premises as well as the existence of junk and debris on the front yard and driveway of the property. The property owner did not contest the nuisance determination and made some efforts to reduce the extent of the nuisance after communicating with City staff. Nonetheless, some City abatement was required. After obtaining a nuisance abatement warrant, the code enforcement officer coordinated abatement of the nuisance with a third party contractor. The total cost of the abatement was \$5,376.00. Staff is now seeking to have the debt levied as an assessment on the tax roll.

Policy Implications:

This procedure is consistent with existing City policies in the Palo Alto Municipal Code for recovering costs of nuisance abatements.

Resource Impact

There is no direct fiscal impact of this action to the City. The assessments identified on Attachment B, totaling \$11,456.59, will be transferred to the unsecured tax roll and will not be borne by the City.

The assessments identified on Attachment C, totaling \$5,376, will be imposed as a lien on the property at 18 Roosevelt Circle as listed and will not be borne by the City.

Environmental Assessment

The adoption of this resolution and confirmation of the nuisance abatement report are not projects for the purposes of the California Environmental Quality Act (CEQA), as there is no potential for a direct or indirect change in the environment, and therefore no environmental review is required.

Attachments:

- Attachment A: Resolution Ordering Special Assessment for Nuisance Properties (DOCX)
- Attachment B: Supporting documentation for 220 Matadero (PDF)
- Attachment C: Supporting documentation for 18 Roosevelt (PDF)

NOT YET APPROVED

Resolution No. _____
Resolution Confirming Nuisance Abatement Report and Ordering Cost
of Abatement to be a Special Assessment

RECITALS

- A. The Council of the City of Palo Alto has heretofore declared a number of conditions to be public nuisances and
- B. Having identified public nuisance conditions, Code Enforcement staff issued notice to abate such nuisances or show cause why abatement should not occur; and
- C. Subsequent to the giving of said notice and in the absence of abatement or an adequate showing, Code Enforcement staff has caused to be abated the nuisance conditions on the herein described properties; and
- D. Code Enforcement staff has filed a report and assessment list for nuisance 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, together with any amendments ordered by the Council, 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 (\$5,376 for 18 Roosevelt Circle and \$11,456.59 for 220 Matadero Avenue) 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 noted above shall be entered upon the 2016-2017 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. In the event the property has been transferred to a bona fide purchaser for value prior to the date on which the first installment of taxes imposed by this resolution would become delinquent, the cost of abatement shall be transferred to the unsecured roll for collection.

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

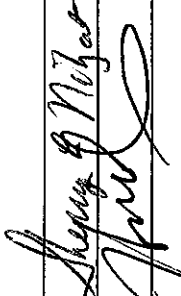
NOT YET APPROVED

Exhibit 1

Nuisance Abatement Report and Assessment List – September 2016

		Site Address	APN	Owner Name and Address				Tax Roll Amount
1	220	Matadero Avenue	132-34-025	Douglass, Wayne J.	PO Box 60337	Palo Alto, CA	94306-0337	\$11,456.59
2	18	Roosevelt Circle	132-29-069	Bernstein, Jeanysse (Trustee)	18 Roosevelt Circle	Palo Alto, CA	94306	\$5,376.00

CITY OF PALO ALTO
ACCOUNTS RECEIVABLE BILLING REQUEST FORM

REQUEST DATE:	11/4/14	ACCOUNTS RECEIVABLE FINANCE DIVISION ADMINISTRATIVE SERVICES DEPARTMENT 4TH FLOOR - CIVIC CENTER
PREPARER:	SHERRY NIKZAT	
DEPT/DIV APPROVAL:	Hillary Gitelman 	
RETURN TO:		

FOR FINANCE USE ONLY		CLIENT NAME:	MR. WAYNE DOUGLAS
CUSTOMER NUMBER:		BILLING ADDRESS:	220 MATADERO AVENUE Palo Alto, CA 94306
DIVISION CODE:		CONTACT NAME & PHONE NUMBER:	WAYNE DOUGLAS

COST CENTER	GL ACCT	INTERNAL ORDER	WBS	DESCRIPTION (46 CHARACTERS)	AMOUNT
60020403	12490			CODE ENFORCEMENT ABATEMENT	\$11,456.59
				IF NOT PAID, DO NOT SEND TO COLLECTIONS. CITY ATTORNEY'S OFFICE	
				WILL PURSUE A LIEN.	
				TOTAL	

Job/Work Order No.	
IF BILLING IS FOR PROPERTY DAMAGED, THE FOLLOWING INFORMATION MUST BE PROVIDED:	
POLICE REPORT NO.	CLAIM No.
INCIDENT DATE:	LOCATION OF PROPERTY DAMAGED:

220 Matadero Avenue, Palo Alto, CA 94306 (Abatement Expenses)

Employee Name	Empl #	Dept.	Hourly Rate	Benefited Hourly Rate/ PW - Flat Rate Operations Fee	Total Hours of Work on site	Total Expense	Total Expense with benefits/ PW - Flat Rate Ops. Fee
Steve Banks	1753	PW	\$56.09	\$97.00	7h	\$392.63	\$679.00
Todd Seeley	5062	PW	\$36.72	\$97.00	10h	\$367.20	\$970.00
Derek Sproat	3885	PW	\$38.19	\$97.00	1h	\$38.19	\$97.00
Ramiro Ramirez	3023	PW	\$33.30	\$95.00	4h 30m	\$149.85	\$427.50
Eric Van Zandt	3229	PW	\$36.23	\$95.00	4h 30m	\$163.04	\$427.50
Andrew Zlatunich	4564	PW	\$32.21	\$95.00	4h 30m	\$144.95	\$427.50
Juan Granados	7342	PW	\$34.59	\$95.00	4h 30m	\$155.66	\$427.50
Carlos Goulart	6429	PW	\$29.82	\$95.00	4h 30m	\$134.19	\$427.50
Dan Hageman	5625	PW	\$37.01	\$95.00	4h 30m	\$166.55	\$427.50
Augustine Solis	3618	PW	\$34.59	\$95.00	4h 30m	\$155.66	\$427.50
Lewis Paris	1816	PW	\$32.21	\$95.00	4h 30m	\$144.95	\$427.50
Lisa Myers	3602	Park Ranger	\$33.96	\$58.00	2h 30m	\$84.90	\$145.00
Richard Bicknell	3958	Park Ranger	\$37.31	\$61.64	2h 30m	\$93.28	\$154.10
Daren Anderson	3692	Parks	\$63.03	\$104.13	2h 30m	\$157.58	\$260.33
Mark Ribeiro	4404	Parks	\$43.26	\$71.47	3h 15m	\$140.60	\$232.28
Juan Pacheco	6590	Parks	\$17.24	\$29.45	3h 15m	\$56.03	\$95.71
Eric Figueroa	6910	Police	\$44.49	\$80.48	4h 30m	\$200.21	\$362.16
Brian Reynolds	3366	Planning	\$39.84	\$68.05	1d 1h	\$996.00	\$1701.25
TOTAL		18 Staff members	\$680.09	\$1,524.22	4d 1h 30m	\$3,741.07	\$8,116.83
Greenwaste Bill	Invoice # 5858	Invoice Date 10/08/2014	Service Period September	(SEE ATTACHED BILL FOR DETAILS)			\$3,339.76
TOTAL - Including Greenwaste Bill							\$11,456.59



INVOICE

Customer Service: M-F, 8 AM to 5 PM
PHONE: 1-650-493-4894
FAX: 1-650-493-2539

ACCT. NO.	ACCOUNT NAME	INV. DATE	INV. NO.	SERVICE PERIOD
PA -2604171	TODD SEELEY	10/08/2014	5858	September
DATE	DESCRIPTION	WORK ORDER	AMOUNT	BALANCE
09/18/2014	40CY C&D DELIVERY	WO17128	148.240	
09/18/2014	30CY C&D DELIVERY	WO17129	148.240	148.24
09/18/2014	30CY GARB REMOVAL	WO17130	957.020	296.48
09/19/2014	40CY GARB REMOVAL	WO17131	1043.130	1,253.50
09/18/2014	40CY GARB EMPTY/RETURN	WO17147	1043.130	2,296.63
				3,339.76

Please make check payable to GreenWaste of Palo Alto

SERVICE LOCATION: MATADERO AVE, 00220

PAY THIS AMOUNT

3,339.76



PLEASE RETURN BOTTOM PORTION WITH PAYMENT

SERVICE MATADERO AVE, 00220
LOCATION: PALO ALTO, CA
INVOICE #: 5858



Account Number	
PA -2604171	
Due Date	Amount Due
10/30/2014	3,339.76



Check box if billing address has changed

Amount Paid

TODD SEELEY
3201 E BAYSHORE RD
PALO ALTO, CA 94303

GreenWaste of Palo Alto
1500 Berger Dr
San Jose, CA 95112-2703

PA 0260417100000333976607



655 Du Bois Street Ste F
San Rafael, CA 94901
Phone: (415) 453-1182
Fax: (415) 453-5844

Invoice

Date	Invoice #
12/15/2015	134973

Bill To
City of Palo Alto Attn: Accounts Payable 285 Hamilton Ave Palo Alto, CA 94301

To book a job in your area please call
(408) 988-5865 or (800) 468-5865

P.O. No.	Terms
	Net 30

Description	Amount
Removal of 8 trucks full of bikes, bike parts, trash and misc junk from 18 Roosevelt Cir, Palo Alto CA	5,376.00
Thank you for your business.	Total \$5,376.00