



Council Agenda Report

From: Richard Gallagher, Interim Battalion Chief – Department of Emergency Services

Subject: Resolution to confirm the costs associated with the abatement of a public nuisance relating to weed abatement within the City.

Date: October 17, 2017

Facts

1. City and State Codes require property owners to maintain their property in a fire safe condition.
2. Each year, Emergency Services notifies residents and property owners of the need to clear all weeds from their property by June 1st.
3. After June 1st, Emergency Services conducts a City wide survey collecting the addresses or parcel numbers of properties in violation of Paso Robles Municipal Code Chapter 9.06 (Nuisance Abatement).
4. Property owners of record per the County Assessor, who are not in compliance are required to be individually notified of the condition and need to abate. Approximately 120 “Notice of Nuisance” letters (sent certified mail) were mailed within the first three weeks of June and owners were given 30 days to comply.
5. Property owners who failed to comply were issued “Notice to Abate” letters and a public hearing was held to hear objections.
6. City Council confirmed the existence of public nuisances and ordered abatement of the nuisance by the City using City resources if necessary.
7. The abatement costs associated with 1615 Riverside Avenue, the one non-compliant property, as listed in Exhibit A totals \$1,242.81
8. The property owner received an invoice for the costs incurred to abate the weeds and was notified of the time and place when City Council would hear objections. The property owner did not submit any evidence or other objections to being charged the costs of weed abatement.
9. Costs incurred by the City are presented to City Council to review and confirm; City Council may further order that if the assessment is not paid within 15 days of receipt of the statement, the costs of the abatement shall be assessed against the property as a lien or special assessment.

Options

1. Take no action.
2. Adopt Resolution No. 17xx confirming the costs incurred to abate the nuisance found listed in Exhibit A, and initiate proceedings to have such costs assessed against the real property if the statement is not paid within 15 days of receipt, or
3. Amend or modify the Resolution as submitted, or
4. Reject the Resolution in its entirety.

Analysis and Conclusions

Emergency Services has made multiple attempts to achieve safety regulation compliance for the property found in Exhibit A with no success and subsequently, per City Council’s orders, abated the nuisance.

The costs associated with the City ordered work will be recouped via direct invoice or through special assessment lien on the negligent properties (if necessary).

Fiscal Impact

None

Recommendation

Adopt Resolution 17-xxx confirming the costs incurred to abate the nuisance found in Exhibit B (\$1,242.81), and initiate the proceedings to have such costs assessed against the real property at 1615 Riverside Avenue if the statement is not paid within 15 days of receipt.

Attachments

1. Exhibit A – List of Non-Compliant Properties

EXHIBIT A:

APN	Property Address	Owners
008-294-010	1615 Riverside Avenue	Roy Wilborn/Anton D. Brooks 3028 Bright Street Fort Worth, TX 76105

EXHIBIT B

1615 Riverside Avenue

	Time	Rate	Total
Inspector - Labor -	:45 Hours	\$182/hr.	\$ 136.50
Battalion Chief - Labor	2 Hours	\$65.91/hr.	\$ 131.46
Battalion Chief - Council Appearances	:45 Hours	\$98.87/hr.	\$ 74.10
Administration	1:15 Hours	\$79/hr.	\$ 98.75
Postage	4	\$ 6.25/each	\$ 25.00
Abatement Contractor Fee	4 Hours	\$158/hr.	\$ 632.00
City Manager - Document Reviews	1 Hour	\$145/hr.	\$ 145.00
		TOTAL	\$ 1,242.81

RESOLUTION NO. 17-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES CONFIRMING THE COSTS ASSOCIATED WITH THE ABATEMENT OF A PUBLIC NUISANCE RELATING TO WEED ABATEMENT WITHIN THE CITY

WHEREAS, the Govt. Code 39560, et seq., provides a procedure by which a City may declare weeds and other noxious growths on private property as a public nuisance for abatement purposes; and

WHEREAS, Paso Robles Municipal Code Chapter 9.06 (Nuisance Abatement) prescribes the steps necessary to declare and abate conditions of public nuisance; and

WHEREAS, through its delegated authority, Emergency Services has worked to eliminate community fire hazards created by dry vegetation (weeds), including a public information campaign, early warning letters to recalcitrant property owners, registered letters to property owners found in violation, and administrative cautions; and

WHEREAS, City Council ordered an accounting of the costs of abatement for each separate parcel of land where the work was done and to submit same to City Council for confirmation an itemized report showing such costs; and

WHEREAS, the property owner was notified via registered mail of the costs incurred by the City abating the nuisance, the time and place City Council will consider confirming the abatement costs and that the owner may appear and protest the abatement costs; and

WHEREAS, Emergency Services has submitted these costs for City Council's review.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Based on the information contained in the staff report, dated October 17th, 2017, testimony presented during the public hearing, and responses thereto the City Council hereby finds and determines that:

- a. The costs and expenses associated with abating the nuisance at 1615 Riverside Avenue are the true costs as defined in Paso Robles Municipal Code Chapter 9.06.160.
- b. If the parcel owner has failed to pay the costs of abatement prior to this hearing the City may initiate proceedings to have such costs assessed against the real property on which the City abated the nuisance.

APPROVED this 17th day of October 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk