DATE: October 7, 2013

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Larry B. Anderson, Fire Chief
Cary D. Fergus, Fire Marshal

SUBJECT: Public Hearing and Action to Adopt Resolution Confirming the Cost of Abatement of Weeds and Approving the Forwarding of Unpaid Bills to the County Assessor’s Office for Collection as Assessments

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution Confirming the Cost of Abatement of Weeds and Approving the Forwarding of Unpaid Bills to the County Assessor’s Office for Collection as Assessments.

BACKGROUND

For over 27 years, the Fire Department’s Fire Prevention Bureau has developed an aggressive weed abatement program. The clearing of public and private property, depending on weather, must be accomplished by mid-May or early June of any given year and maintained until the first major rains of Fall.

Property owners are encouraged to remove overgrown weeds and/or combustible vegetation growing upon their properties themselves or by a contractor of their choosing. When this does not occur in a timely manner, the City’s weed contractor, under the direction of the Fire Marshal’s Office, conducts the abatement. During the 2013 Weed Abatement Season, approximately 652 properties (City and private) were identified as requiring abatement and respective owners were notified by mail to abate weeds. The weed removal deadline was May 31, 2013. Property inspections began June 3, 2013.

DISCUSSION

Public Hearings were held twice during the 2013 season: on May 20, 2013 (Resolution 2013-045 N.C.S.) for the benefit of 645 City and private parcels listed on the original weed master list and again on July 15, 2013 (Resolution 2013-110 N.C.S.) for the benefit of thirty-two (32) additional parcels identified after the May 20th hearing. A total of eighteen (18) parcels were abated in 2013 by the City’s weed contractor during the weed season: one (1) City-owned site and seventeen (17) private sites. Invoices for such services were issued to the private parcel owners with an
August 12th and September 9th due date for payment. Pursuant to municipal weed abatement regulations, failure to remit payment will result in any unpaid amounts being attached to that specific parcel's future property tax bill by the County Assessor's Office. State law requires that the City Council hold a Public Hearing to hear objections by private owners about the cost of weed abatement performed on their property.

This is a routine hearing to close-out the Weed Abatement Season. In the recent past, few to no property owners have come before the City Council to protest their invoices. It is recommended that the City Council consider any objections or comments offered at the public hearing and adopt the attached Resolution to immediately forward the unpaid weed abatement bills to the County Assessor's Office.

FINANCIAL IMPACTS

Direct costs of abatement are charged based on actual costs to clear the parcels. A per-parcel administrative fee of $181 is added to each parcel to cover the cost of the weed abatement inspector, program management, and secretarial support and is based on the City's actual and reasonable costs of administering the program. The fee is approved by City Council Resolution and is identified in the City's adopted schedule of fees for services. All direct and administrative costs are recovered through payment by the individual property owner(s) and/or collection of special assessments against the specific parcels by the County Assessor in connection with property tax payments. Please see the attached Cost Report for a complete breakdown of costs for the 2013 Weed Abatement Season.

In all previous years the weed abatement program was a 100% cost recovery program. This year, the Public Works and Utilities Department opted to manage their own weed abatement primarily as a cost saving measure related to the $181 administrative fee for their 83 parcels. The Fire Department is still required to manage the overall program and with less volume ended up collecting $2,163.10 less than program costs for 2013. In 2009, the administrative fee was $155 and has increased to its present $181. It's possible that in future years consideration will need to be given to other possible fee options or increases.

ATTACHMENT(S)

1. Resolution;
2. Cost Report for 2013 Weed Abatement;
3. Memo to Petaluma City Council dated 09/16/13 Listing Properties That Are Within 500' of Council Members' Personal Properties; and
4. Property Tax Levy Form Detailing Unpaid Invoices for Weed Abatement Services Conducted in 2013.
RESOLUTION CONFIRMING THE COST OF ABATEMENT OF WEEDS AND APPROVING THE FORWARDING OF UNPAID BILLS TO THE COUNTY ASSESSOR'S OFFICE FOR COLLECTION AS ASSESSMENTS

WHEREAS, on the 7th day of October, Cary Fergus, Fire Marshal for the City of Petaluma, California provided to the City Council of Petaluma an itemized report detailing the cost of removing weeds, excessive organic yard waste, foliage, overgrowth, dirt and/or debris from eighteen (18) separate parcels, all as shown and set forth on the attached itemized report. Said work was completed pursuant to Government Code, Title 4, Chapter 13, including §§39560 et seq., and proceedings of this City Council, including Resolution 2013-026 N.C.S. adopted March 18, 2013; and,

WHEREAS, the Fire Marshal’s Report of the cost of this season’s weed abatement program was posted by him on or before the 2nd day of October, 2013 on the Chamber door of the City Council in City Hall, Petaluma, California. Said displayed notice and Report states that a Public Hearing would be held before this City Council on this 7th day of October at the hour of 7:00 P.M., or as soon thereafter as can be heard, about the outcome of the abatement season; and,

WHEREAS, the Fire Marshal kept an accounting of nuisance weed abatement completed by the City’s weed contractor, Keystone Tractor Service, and submitted the 2013 Weed Abatement Cost Report (“the Report”) to the City Council showing the cost of removing weeds, excessive organic yard waste, foliage, overgrowth, dirt and/or debris from the eighteen (18) parcels abated this season; and,

WHEREAS, before said Report was submitted to the City Council, a copy of same was posted for at least three (3) days on the Chamber door of the City Council, together with notice of the date on which the Report would be submitted to the City Council for confirmation; and,
WHEREAS, at the time and place referred to in said notice, the City Council heard the Fire Marshal's Report, together with any objections raised by the property owners, and the City Council made its recommendations and any modifications it deemed necessary to be included in the final Report.

NOW, THEREFORE, BE IT RESOLVED that the recitals above are adopted as findings of the City Council.

BE IT FURTHER RESOLVED that the Fire Marshal's 2013 Weed Abatement Cost Report ("the Report"), and each amount and part thereof, is hereby confirmed, and as to the delinquent parcels listed therein, the amount shown for each such parcel constitutes a special assessment against each such delinquent parcel.

BE IT FURTHER RESOLVED that a copy of the Report shall be given to the County Auditor/Assessor of Sonoma County, such that a special assessment shall be charged against each delinquent parcel as listed in the Report, pursuant to Government Code, Title 4, Chapter 13, including §§39560 et seq.
COST REPORT FOR 2013 WEED ABATEMENT
CHARGES AND EXPENSES

- Disking 14.5 hours
- Mowing 50.25 hours
- Hand Work 145.75 hours
- Blading 6.00 hours
- Pulling Fee ($40/Per) 16 pulls

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<tr>
<th>Parcels Abated by Contractor:</th>
<th>Private</th>
<th>17</th>
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<tr>
<td>City</td>
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</tr>
<tr>
<td>Total</td>
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**CHARGES:**

Charged to Private Property Owners (17 Parcels)
(Incl. Per Parcel Administration Fee of $181.00) $11,270.50

Charged to City Department Funds (1 Parcel)
[Housing Department] (Incl. Per Parcel Administration Fee of $181.00) $509.75

**Total Amount Billed:** $11,780.25

**EXPENSES:**

Payment of Contractor’s (Keystone Tractor Service) $8,341.25
Direct Invoices:
Postage: 1st & 2nd Hearing Letters – 475 @ $.46; 1 @ $1.52; 1 @ $2.12 $222.14
Postage: 1st & 2nd Invoicing – 19 @ $.46: $8.74
Postage: Add’l “Please Abate” Letters – 32 @ $.46: $14.72

Labor Hours Spent for Program
Management (Fire Marshal): 10 hrs $556.40
Weed Inspector (P/T Fire Inspector I) (5/1-8/24): 89 hrs $3,141.70
Secretary: 60 hrs $1,658.40

**Total Expenses:** $13,943.35

**Accounting Summary:**

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<tr>
<th>Total Charges:</th>
<th>$11,780.25</th>
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<tr>
<td>Total Expenses:</td>
<td>-$13,943.35</td>
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**Balance Summary:** -$2,163.10
DATE: September 16, 2013
TO: Petaluma City Council
FROM: Cary D. Fergus, Fire Marshal
SUBJECT: Weed Abatement Program 2013

Public Hearing, 10/07/13, 7:00 p.m.

A total of eighteen (18) parcels were abated in 2013 by the City’s weed contractor during the weed season: one (1) City-owned site and seventeen (17) private sites. Invoices for such services were issued to the private parcel owners with an August 12th and September 9th due date for payment. Pursuant to municipal weed abatement regulations, failure to remit payment will result in any unpaid amounts being attached to that specific parcel’s future property tax bill by the County Assessor’s Office.

Listed below, alphabetically by Councilmember, is a listing of addresses (by parcel number and street address) with unpaid invoices that have been identified as being within 500’ of a City Councilmember’s property.

CHRIS ALBERTSON
None

TERESA BÁRRETT
None

DAVID GLASS
None

MIKE HARRIS
None
MIKE HEALY (Primary & Secondary Addresses)

<table>
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<tr>
<th>Parcel No.</th>
<th>Address</th>
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<tbody>
<tr>
<td>006-163-040</td>
<td>368 Petaluma Blvd N</td>
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<tr>
<td>006-163-052</td>
<td>Water St</td>
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GABE KEARNEY
None

KATHY MILLER
None
### UNPAID INVOICES
FOR WEED ABATEMENT WORK
PERFORMED IN 2013

SUBMIT FOR PROPERTY TAX LEVY

<table>
<thead>
<tr>
<th>APN</th>
<th>PROPERTY ADDRESS</th>
<th>NAME</th>
<th>AMOUNT DUE</th>
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<tbody>
<tr>
<td>006163040</td>
<td>368 PETALUMA BLVD N</td>
<td>IRIS ASSET LLC</td>
<td>$671.00</td>
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<tr>
<td>006163052</td>
<td>WATER ST</td>
<td>SCHRAM FEDERICK K &amp; DEBORAH A TR</td>
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<td>0066500016</td>
<td>685 BODEGA AVE.</td>
<td>PEARSON LORaine SANTI TR</td>
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<td>PETAŁUMA PRESERVATION GROUP LLC</td>
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**TOTAL**   **$4,243.00**