

City of Brisbane

Agenda Report

To: City Council via City Manager
From: Betsy Cooper, Deputy Finance Director
Subject: Public Hearing on unpaid weed abatement invoices to be placed on tax rolls
Date: June 3, 2013

Purpose:

To review unpaid weed abatement report, hear and determine any objections and make any changes deemed necessary. Then pass resolution to confirm the report and assessment as submitted or modified.

Recommendation:

Approve the assessment report and pass resolution.

Background:

Each year the fire department sends out notices of fire danger and the need for weed abatement. They work with all property owners to assist with clearing weeds from their property. If the property owner does not follow through on cleaning up the property, the City under ordinance 8.50 can hire a contractor to provide for the cleanup. The fire department then bills those property owners for the costs of the clean up including an administrative fee. If the invoice is not paid, then the City may proceed with placing a lien against the property.

Discussion:

The fire department has been overseeing weed abatement in Brisbane for at least the last five years. We have outstanding invoices that have not been paid and have not been through the lien process.

Staff sent out a copy of the outstanding invoices with a letter dated April 26, 2013 that specifies that if the bill is not paid within thirty (30) days from the date of mailing, the amounts on the bill would become a lien against the land and will be considered a special assessment and collected on the tax bills. The letter also advised the owner that a public hearing will be held on June 3, 2013 to hear any objections. (Ordinance 8.50.100)

We heard from several property owners with outstanding bills from 2009. This may have been the first year of performing weed abatement and led to some confusion as to some of the property/easements that were cleared. In the interest of good government, none of the 2009 outstanding invoices will have a lien placed on them.

The remaining three invoices have had no response. Therefore we are submitting a report for the unpaid bills that includes the administrative fee of \$300.00. Ordinance 8.50.110 requires the council to hold a public hearing on the report so that the property owners may object to any matter contained in the report. After reviewing the report and hearing and determining any objections, the council will confirm the report and the assessment to be submitted by resolution.

Fiscal Impact:

Potential collection of \$3,425.00


Betsy, Cooper Deputy Finance Director


Clay Holstine, City Manager

Attachments

1. Weed Abatement Assessment Report
2. Resolution 2013-23

RESOLUTION NO. 2013-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BRISBANE CONFIRMING A WEED ABATEMENT
ASSESSMENT REPORT AND ORDERING COST OF
ABATEMENT TO BE A SPECIAL ASSESSMENT ON THE
RESPECTIVE PROPERTIES DESCRIBED HEREIN**

WHEREAS, the Fire Chief has heretofore determined that weeds and flammable wastes constituting a fire hazard and a public nuisance existed on certain properties, as described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, in accordance with Chapter 8.50 of the Brisbane Municipal Code, notice was given to each of the property owners to abate the fire hazard by a certain date, or to object to the Fire Chief's determination of a nuisance at a public hearing thereon to be conducted by the City Council; and

WHEREAS, following the conduct of a public hearing by the City Council to consider the Fire Chief's declaration of nuisance on each of the properties listed in Exhibit A, the City Council overruled any objections that were raised and ordered the Fire Chief to abate the nuisance by removal of the weeds and flammable wastes from the property; and

WHEREAS, the Fire Chief thereafter caused the abatement work to be performed and billed each of the property owners for the cost of the work; and

WHEREAS, the Fire Chief has submitted his abatement report to the City Council showing that the owners of each of the properties listed in Exhibit A have failed to pay the abatement costs in the respective amounts set forth in Exhibit A; and

WHEREAS, on June 3, 2013, the City Council conducted a public hearing on the Fire Chief's abatement report, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the City Council has duly considered the abatement report and any objections that may have been raised thereto,

NOW, THEREFORE, be it RESOLVED by the City Council as follows:

1. All written and oral protests or objections to the abatement report submitted by the Fire Chief are hereby overruled.
2. The abatement report is hereby confirmed and approved and the abatement costs listed in Exhibit A shall constitute a special assessment against the respective parcels on which such costs were incurred, and shall show as a lien on those properties for the amount of the respective assessment, to be collected at the same time and in the same manner as ordinary municipal taxes, and shall be subject to the same interest and penalties
3. and the same procedure for sale in case of delinquency. All laws and ordinances applicable

Assessment Report for Unpaid Weed Abatement Invoices 2010-2012

| Invoice NO | Invoice Date | APN | Name & Address | Site Address | Amount of Inv |
|------------|--------------|-------------|---|--------------------|---------------|
| B10-1003 | 7/22/2010 | 007-553-060 | Armando T. Garcia 3852 Bayshore Blvd Brisbane, CA 94005 | 3852 Bayshore Blvd | 1,000.00 |
| B11-1002 | 9/28/2011 | 007-570-200 | Fung, Chu Quon TR 1165 Washington St San Francisco, CA 94108 | Annis Rd | 690.00 |
| B12-1001 | 8/28/2012 | 007-560-210 | TLC Bayshore LLC 300 Montgomery St. #525 San Francisco, CA 94104 | 3900 Bayshore Blvd | 1,735.00 |