

CITY OF DANA POINT**AGENDA REPORT**

DATE: JULY 12, 2006

TO: CITY MANAGER/CITY COUNCIL

FROM: KYLE BUTTERWICK, DIRECTOR OF COMMUNITY DEVELOPMENT

**SUBJECT: 2006 WEED ABATEMENT PROGRAM
(FF#0240-50/WEED ABATEMENT/CONTROL/WEED ABATEMENT
PROGRAM/2006)**

RECOMMENDED ACTION:

That the City Council conduct a hearing on the Weed Abatement Cost Report and, thereafter, adopt the attached Resolution confirming the Cost Report and providing for the collection on the regular taxbill.

BACKGROUND:

On April 26, 2006, the City Council adopted the second of three (3) Resolutions related to a citywide Weed Abatement Program. That Resolution authorized Staff to abate weeds upon public or private property and to report to the City Council on July 12, 2006, with an itemized report detailing the abatement costs.

No objections were raised at the April 26, 2006 City Council meeting concerning the 216 letters sent to property owners requesting weed abatement. The letter included notice of the July 12, 2006 meeting to confirm the costs associated with the abatement, and notice of posting of the Cost Report prior to that meeting.

DISCUSSION:

The Resolution under consideration this evening is the third and final phase of the Weed Abatement Program and accomplishes three (3) objectives. The first objective is the confirmation of the Cost Report as set forth in Exhibit "A." The second objective allows affected property owners to raise objections to the Cost Report. In order to implement the program, we recommend that the City Council reject objections, if any, and proceed with confirmation of the Cost Report. For each of the parcels noted in the report, the City has abated the weeds and paid the contractor for its costs. The third objective requires the Acting City Clerk to transmit a certified copy of this Resolution to the County Assessor, County Tax Collector, and County Auditor for recording against the respective properties. The costs noted on each parcel will be added to the property tax

bill

for

that

parcel.

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Weed Abatement Cost Report
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A Resolution is attached for City Council consideration, with a recommendation that the City Council adopt the Resolution to confirm the abatement costs.

NOTIFICATION/FOLLOW UP:

The Acting City Clerk's office posted notices of the meeting tonight. Also notice of tonight's meeting was included in the letter sent to property owners on April 15, 2006.

FISCAL IMPACT:

The City Council has allocated adequate funding within the budget for annual weed abatement purposes. The City Contractor abated weeds on eight (8) lots at a cost of \$1,725.00. The contractor's fee plus an administration cost of \$46.15 will be recovered through a special property tax assessment. As always, the City's General Fund will incur the administrative cost for those properties that privately contracted to abate the weeds on their property.

ALTERNATIVE ACTIONS: None

ACTION DOCUMENTS:

PAGE NO.

A [Resolution to Confirm Costs](#)3

SUPPORTING DOCUMENTS:

B. [Exhibit "A" Weed Abatement Cost Report June 20, 2006](#)6

ACTION ITEM A

RESOLUTION NO. 06-07-12-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DANA POINT, CALIFORNIA, CONFIRMING THE COST OF
ABATEMENT AND PROVIDING FOR THE COLLECTION ON
THE REGULAR TAX BILL**

WHEREAS, the City Council adopted Resolution No. 06-03-08-01 on March 8, 2006, electing to proceed under Government Code Sections 39561-39588 and declared a public nuisance all weeds growing upon streets, highways, sidewalks, parkways, and private property in the City, and,

WHEREAS, the City Council adopted Resolution No. 06-04-26-01 on April 26, 2006, following the public hearing held to hear objections and protests to the proposed removal of weeds, rubbish, refuse and dirt, and no objections or protests were made, and determined to proceed with the abatement of weeds growing upon public ways and private property in the City; and,

WHEREAS, the Director of Community Development/Designee has abated the nuisance declared by Resolution No. 06-03-08-01 and has kept an account of the cost of abatement and has submitted it to the City Council for confirmation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Dana Point does hereby resolve, adopt, determine, and order as follows:

SECTION 1. Pursuant to Resolution No. 06-03-08-01, that the Director of Community Development/Designee abated the nuisance declared therein by having weeds, rubbish, refuse and dirt removed and the Director of Community Development/Designee kept an account of the cost of abatement and has submitted it to the City Council for confirmation in the form of an itemized written report showing the cost and a copy of the report has been posted in the time and manner required by Government Code Section 39575. The City Council hereby overrules all objections and protests, if any, that were filed or made by any property owners liable for assessment for the abatement listed in Exhibit "A" and hereby confirms such assessments.

SECTION 2. The amounts of the cost of the abatement as set forth in Exhibit "A" as herein confirmed shall constitute special assessments against the respective parcels of land and shall constitute liens on the respective parcels for the amount of the respective assessments upon recordation in the office of the County Recorder of Orange County of this Resolution, pursuant to Government Code Section 35977.

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SECTION 3. The costs for the abatements as set forth in Exhibit "A" constitute a special assessment against the respective parcels and shall be recorded against said parcels.

SECTION 4. The Acting City Clerk is directed to transmit a certified copy of this Resolution to the County Assessor, County Tax Collector, and County Auditor on or before August 9, 2006 for recording. The County Auditor is requested to enter the assessment on the County tax roll of the respective properties and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes all in the manner provided by Government Code Section 39560-39587.

SECTION 5. The Acting City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 12th day of July, 2006.

LARA ANDERSON
MAYOR

ATTEST:

KATHY M. WARD
ACTING CITY CLERK

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANAPPOINT)

I, KATHY M. WARD, Acting City Clerk, of the City of Dana Point, California DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 06-07-12-__ adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof, held on the 12th day of July, 2006, by the following vote

AYES:

NOES:

ABSENT:

(SEAL)

KATHY M. WARD, ACTING CITY CLERK

CITY OF DANA POINT
WEED ABATEMENT COST REPORT JUNE 20, 2006

CB = CAPISTRANO BEACH

DP = DANA POINT

MB = MONARCH BEACH

EXHIBIT A

weeds abated on 8 lots

Listed by Assessor Parcel Number

PARCEL NUMBER	AREA	WORK ORDER	TYPE WORK	HAND COST \$	ADM FEE \$	CHARGE \$	Address
121-392-44	DP	6/19/2006	hand	150.00	46.15	196.15	25261 Tuna Dr.
123-340-18	CB	6/13/2006	hand	250.00	46.15	296.15	27042 Calle Dolores
670-081-02	MB	6/13/2006	hand	300.00	46.15	346.15	32461 Seven Seas
682-084-12	DP	6/13/2006	hand	225.00	46.15	271.15	33912 Blue Lantern
682-103-35	DP	6/13/2006	hand	200.00	46.15	246.15	33952 El Encanto
691-192-12	CB	6/13/2006	hand	150.00	46.15	196.15	35461 Camino Capistrano
691-192-13	CB	6/13/2006	hand	150.00	46.15	196.15	35471 Camino Capistrano
691-411-29	CB	6/13/2006	hand	300.00	46.15	346.15	34696 Coast Highway

TOTAL **1,725.00** **\$369.20** **\$2,094.20**

Amount paid to contractor **1,725.00**

attachment: Administration Fee Calculation

weed abatement 01-43-20-00

rev 6-20-06

WEED ABATEMENT ADMINISTRATION FEE 2006

Calculation of the Administration Fee is derived by analysis of the administration costs directly related to weed abatement. These costs were broken down into two areas. Phase I consists of costs related to initial identification and notification of properties that would require weed abatement. Phase II consists of costs related to the abatement of weeds and is applied to those properties that did not comply with code requirements.

EXPENDITURES

	Costs	Phase I	Phase II
City Attorney	203.00	194.88	8.12
Bill Beattie	3573.00	3430.08	142.92
Denise Rios	510.60	490.18	20.42
Envelopes	16.26	15.61	0.65
Letterhead	16.26	15.61	0.65
Labels	2.98	2.86	0.12
Postal Fee	105.69	101.46	4.23
Digital Images	2.70	2.59	0.11
City Truck (mileage)	456.00	437.76	18.24
TOTAL	<u>4,886.49</u>	<u>4,691.03</u>	<u>195.46</u>

Calculation of Phase II cost is the number of parcels cleared (8) divided by the number notified (216) or (4%) x cost.
Phase I cost is the difference between expenditure and Phase II cost.

RECOMMENDATION

That the Administration Fee be Phase II costs (\$195.46) divided by the number of parcels cleared (8) =	24.43
plus Phase I costs (\$4,691.03) divided by the number notified (216) =	21.72
TOTAL	<u>46.15</u>
Administration Fee to be applied to each parcel cleared	<u><u>46.15</u></u>