

CITY OF DANA POINT
AGENDA REPORT

DATE: JULY 13, 2005

TO: CITY MANAGER/CITY COUNCIL

FROM: KYLE BUTTERWICK, DIRECTOR OF COMMUNITY DEVELOPMENT

**SUBJECT: 2005 WEED ABATEMENT PROGRAM
(FF#0240-50/WEED ABATEMENT/CONTROL/WEED ABATEMENT
PROGRAM/2005)**

RECOMMENDED ACTION:

That the City Council conduct a hearing on the Weed Abatement Cost Report and thereafter, depending on any objections raised, adopt one of the attached Resolutions confirming the Cost Report and providing for the collection on the regular tax bill.

BACKGROUND:

On April 27, 2005, 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 27, 2005, with an itemized report detailing abatement costs.

No objections were raised at the April 27, 2005, City Council meeting concerning the 226 letters sent to property owners requesting weed abatement. The letter included notice of the July 27, 2005 meeting, and notice of posting of the Cost Report prior to that meeting. However, the July 27, 2005 City Council meeting was rescheduled to July 13, 2005. Therefore, the nine properties impacted by this change were notified of tonight's 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, the City Council will have to reject these objections 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 his costs. The third objective requires the City Clerk to transmit a certified copy of this Resolution to the County Assessor, County Tax Collector, and County Auditor. The costs noted on each parcel will be added to the property tax bill for that parcel.

Two (2) Resolutions have been attached for City Council consideration, with adoption of one (1) Resolution depending on the circumstances of the meeting. The options include:

- 1. A Resolution wherein objections have been presented and overruled; or
- 2. A Resolution where no objections have been presented for City Council.

NOTIFICATION/FOLLOW UP:

The 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 June 27, 2005.

FISCAL IMPACT:

The City Council has allocated adequate funding within the budget for annual weed abatement purposes. The City Contractor abated weeds on nine (9) lots at a cost of \$1,600.00. The contractor’s fee plus an administration cost of \$45.86 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

<u>ACTION DOCUMENTS:</u>	<u>PAGE NO.</u>
A. Resolution to confirm Cost Report with no objections	3
B. Resolution to confirm Cost Report with objections	6

SUPPORTING DOCUMENTS:

C. Exhibit “A” Weed Abatement Cost Report June 26, 2005	9
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ACTION ITEM A

RESOLUTION NO. 05-07-13-**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. 05-03-09-01 on March 9, 2005, 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. 05-05-27-01 on April 27, 2005, following the public hearing held and with no objection made or presented either in writing or orally, 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. 05-03-09-01 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. Ordered the Director of Community Development/Designee to abate the nuisance declared by Resolution No. 05-03-09-01 by having weeds, rubbish, refuse and dirt removed and thereafter the Director of Community Development/Designee entered upon private property, more particularly hereafter described, to abate the nuisance 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. No objections were filed or made by any property owners liable for assessment for the abatement and the report as set forth in Exhibit "A" is confirmed.

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.

**RESOLUTION NO. 05-07-13-
PAGE TWO**

SECTION 3. Cost of the abatement as set forth in Exhibit "A" constitutes a special assessment against that parcel and is a lien on the parcel.

SECTION 4. The 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, 2005. The County Auditor is requested to enter the assessment on the County tax roll 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 City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 13th day of July, 2005.

WAYNE RAYFIELD
MAYOR

ATTEST:

ELIZABETH EHRING
CITY CLERK

**RESOLUTION NO. 05-07-13-
PAGE THREE**

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, ELIZABETH EHRING, City Clerk, of the City of Dana Point, California DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No.
05-07-13-___ adopted by the City Council of the City of Dana Point, California, at a
regular meeting thereof, held on the 13th day of July, 2005, by the following vote

AYES:

NOES:

ABSENT:

(SEAL)

ELIZABETH EHRING, CITY CLERK

ACTION ITEM B

RESOLUTION NO. 05-07-13-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT, OVERRULING OBJECTIONS AND PROTESTS THERETO, AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL**

WHEREAS, the City Council adopted Resolution No. 05-03-09-01 on March 9, 2005, 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. 05-04-27-01 on April 27, 2005, 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. 05-03-09-01 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. Ordered the Director of Community Development/Designee to abate the nuisance declared by Resolution No. 05-03-09-01 by having weeds, rubbish, refuse and dirt removed and thereafter the Director of Community Development/Designee entered upon private property, more particularly hereafter described, to abate the nuisance 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 that were filed up or made by any property owners liable for assessment for the abatement and the report as set forth in Exhibit "A" is confirmed.

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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PASSED, APPROVED AND ADOPTED this 13th day of July, 2005.

WAYNE RAYFIELD
MAYOR

ATTEST:

ELIZABETH EHRING
CITY CLERK

**RESOLUTION NO. 05-07-13-
PAGE THREE**

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, ELIZABETH EHRING, City Clerk, of the City of Dana Point, California DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 05-
07-13-__ adopted by the City Council of the City of Dana Point, California, at a regular
meeting thereof, held on the 13th day of July, 2005, by the following vote

AYES:

NOES:

ABSENT:

(SEAL)

ELIZABETH EHRING, CITY CLERK

**CITY OF DANA POINT
WEED ABATEMENT COST REPORT JUNE 26,2005**

EXHIBIT A

CB = CAPISTRANO BEACH
 DP = DANA POINT
 MB = MONARCH BEACH

weed abated on 9 lots

Listed by Assessor Parcel Number

PARCEL NUMBER	AREA	LOT SIZE	WORK ORDER	TYPE WORK	HAND COST \$	ADM FEE \$	CHARGE \$
123-340-18	CB	B	6/1/2005	hand	200.00	45.86	245.86
670-081-02	MB	A	6/1/2005	hand	175.00	45.86	220.86
682-084-12	DP	B	6/1/2005	hand	200.00	45.86	245.86
682-103-35	DP	A	6/1/2005	hand	225.00	45.86	270.86
682-295-18	DP	A	6/1/2005	hand	175.00	45.86	220.86
682-151-45	DP	A	6/1/2005	hand	150.00	45.86	195.86
691-192-12	CB	A	6/1/2005	hand	150.00	45.86	195.86
691-192-13	CB	A	6/1/2005	hand	150.00	45.86	195.86
691-411-29	CB	A	6/1/2005	hand	175.00	45.86	220.86

TOTAL **1,600.00** **412.74** **\$2,012.74**

AMOUNT PAID TO CITY CONTRACTOR **\$1,600.00**

attachment: Administration Fee Calculation

weed abatement 01-43-20-0000-223
 rev 6-23-05

z/weeds/cost report2005exhibit A

weeds/staff reports/cost report2005exhibit A

WEED ABATEMENT ADMINISTRATION FEE 2005

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 1 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

	<u>Costs</u>	<u>Phase 1</u>	<u>Phase II</u>
City Attorney	250.00	240.00	10.00
Bill Beattie	3295.00	3163.20	131.80
Denise Rios	911.52	875.06	36.46
Envelopes	27.54	26.44	1.10
Letterhead two color	49.94	47.94	2.00
Labels	4.99	4.79	0.20
Postal Fee	167.98	161.26	6.72
Digital Images	2.70	2.59	0.11
City Truck (mileage)	456.00	437.76	18.24
TOTAL	<u><u>5,165.67</u></u>	<u><u>4,959.04</u></u>	<u><u>206.63</u></u>

Calculation of Phase II cost is the number of parcels cleared (9) divided by the number notified (226) 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 (\$206.63) divided by the number of parcels cleared (9) =	22.95
plus Phase I costs (\$5165.67) divided by the number notified (226) =	22.85
TOTAL	
Administration Fee to be applied to each parcel cleared	<u><u>45.86</u></u>