

RESOLUTION NO. 2020-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
DECLARING GROWING WEEDS, RUBBISH AND/OR REFUSE ACCUMULATIONS
UPON CERTAIN SPECIFIED PRIVATE PROPERTY PARCELS TO BE PUBLIC
NUISANCES, AUTHORIZING NOTICE TO ABATE SUCH NUISANCES; SET A PUBLIC
HEARING DATE OF TUESDAY, SEPTEMBER 1, 2020, TO RECEIVE OBJECTIONS TO
ABATE SUCH WEEDS, RUBBISH AND/OR REFUSE; AND SET A PUBLIC HEARING
ON OR AFTER TUESDAY, OCTOBER 6, 2020, TO CONFIRM ANY ASSESSMENT OF
COSTS FOR WEED ABATEMENT TO BE LEVIED AGAINST ANY PARCEL NOT IN
COMPLIANCE AND DIRECT FILING OF SUCH LEVY WITH MONTEREY COUNTY
AUDITOR-CONTROLLER'S OFFICE

WHEREAS, this City, pursuant to Government Code Section 39560 et. seq., is authorized to declare weeds growing upon, as well as rubbish and refuse accumulated upon, sidewalks and private property within the City, to be public nuisances, and to take actions for the abatement of said nuisances; and

WHEREAS, City staff has previously canvassed the City to locate areas of such nuisances, and have informally written to the property owners involved in order to obtain their voluntary cleaning up of offensive weeds, rubbish and refuse; and

WHEREAS, on a certain number of specified parcels of real property within the City, as set forth in "**Exhibit A**" attached hereto, no action has been taken and said weeds, rubbish and refuse remain.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Declare the noxious or dangerous weeds growing and/or the accumulation of rubbish, refuse and dirt upon certain specified private property parcels as set forth by street name and assessor's parcel number in **Exhibit A** to be public nuisances which must be abated by their removal;
2. Authorize the Deputy City Clerk to issue a Notice to Destroy Weeds and Remove Rubbish Refuse and Dirt to each property owner, in substantially the form attached hereto as **Exhibit B**, to abate such public nuisances;
3. Set public hearing date of Tuesday, September 1, 2020, to receive objections to abate such weeds, rubbish and/or refuse;
4. Set public hearing on or after Tuesday, October 6, 2020, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and;
5. Direct filing of such levy with Monterey County Auditor-Controller's Office.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held the 18th day of August 2020, by the following vote:

AYES, COUNCIL MEMBERS: Berkley, O'Connell, Morton, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

CERTAIN SPECIFIED PRIVATE PROPERTY PARCELS AS SET FORTH BY STREET
NAME AND ASSESSOR'S PARCEL NUMBER

2020 Weed Abatement List - 2nd Inspection

(July 27, 2020)

EXHIBIT A

Map#	APN#	Date	Address	First Name/Company	Last Name	Mailing Address	City	State	Zip Code
`4-5	32061005	6/3/2020	3199 Susan Avenue	Douglas	Lamb	3199 Susan Avenue	Marina	CA	93933
`4-8	32071023	6/3/2020	289 Young Circle	Raymond Shultz	c/o Thomas Shultz	P.O. Box 112	Monterey	CA	93942
`4-9	32482004	6/3/2020	280 George Way	Linda Odgers	Fierro	443 Kelli Court	Marina	CA	93933
`6-3	33021054	6/4/2020	3321 Abdy Way	Steven & Aileen	Mickel,	19 Yerba Buena Court	Monterey	CA	93940
`6-4	32401027	6/4/2020	163 Pacific Court	Raveen & Sangeeta Kumar	Khelawan	163 Pacific Court	Marina	CA	93933
`7-1	33061031	6/6/2020	134 Belle Drive	Luz	Neel	134 Belle Drive	Marina	CA	93933
`8-1	32031027	6/5/2020	3287 Michael Drive	Sandra	Bennett	3287 Michael Drive	Marina	CA	93933
`10-1	32171033	6/2/2020	3141 Crescent Avenue	Nelson Vega, TRS ET AL		444 Pearl Street, D4	Monterey	CA	93940
`10-5	32201004	6/2/2020	273 Carmel Avenue	Paul	Flores	5 Zaragoza Views	Monterey	CA	93940
`10-6	32201003	6/2/2020	271 Carmel Avenue	Aladdin Properties, LP		11420 A Commercial Parkway	Castroville	CA	95012
`11-7	32181011	6/2/2020	3144 Del Monte Blvd	PearlGate Inc	DBA Valero	P.O. Box 43	Livermore	CA	94551
`12-4	32282080	6/2/2020	300 Carmel Avenue	Bernard & Ta Em	McComis TRS	300 Carmel Avenue	Marina	CA	93933
15-1	32222031	6/1/2020	3107 Redwood Circle	Michael & Kim	Case	3107 Redwood Circle	Marina	CA	93933
16-1	32261040	6/1/2020	434 Carmel Avenue	Carol	Batson, TRS	434 Carmel Avenue	Marina	CA	99343
16-5	32371031	6/1/2020	496 Jean Circle	George & Hannah	Daoud	P.O. Box 995	Marina	CA	93933
16-13	32361020	6/1/2020	3057 Mildred Court	Sarat & John	Osborne	3057 Mildred Court	Marina	CA	93933
19-1	32411055	6/1/2020	288 Reindollar Avenue	James & Hideko	Wingrove	288 Reindollar Avenue	Marina	CA	93933
19-2	32411047	6/1/2020	3012 Talcott Avenue	Christena & Dennis	Powell, ET AL	5615 Chesbro Avenue	San Jose	CA	95123
			(18) Non Compliance						

EXHIBIT B – CITY LETTERHEAD

2nd Letter

August 19, 2020

Marina, CA 93933

Re: NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT
Fire Hazard (high weeds, grass, trash, debris) on property at _____, Marina, CA 93933;
Assessor's Parcel Number _____.

Dear Property Owner:

The latest assessor's tax information indicates you are the owner of the parcel number indicated above (the "Property"). Please notify me immediately if you are no longer the owner of this property.

You were previously notified by letter dated June 17, 2020, regarding weeds, grass, brush or trash on the above referenced Property which are a fire hazard. A second inspection of the Property was conducted during the period of July 13 through July 24, 2020, and a third inspection was conducted during the period of August 10 through August 12, 2020, at which time it was found that the fire hazard has not been eliminated.

Notice is hereby given that on the 18th day of August 2020, the City Council of the City of Marina passed Resolution 2020-105, declaring that noxious or dangerous weeds were growing upon or in front of the Property and/or that rubbish, refuse and dirt were upon or in front of the Property described in the Resolution and that they constitute a public nuisance which must be abated by the removal of the weeds rubbish, refuse and dirt. Otherwise they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish refuse and dirt are removed and will constitute a special assessment against the Property and will constitute a lien against said Property until paid. Reference is hereby made to the Resolution and the staff report for this matter for further particulars. A copy of said Resolution and staff report is on file in my office.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the City Council of the City of Marina to be held on September 1, 2020, when their objections will be heard and given due consideration at a public hearing.

If you have any questions regarding this matter, please contact me at (831) 884-1281.

Sincerely,

Anita Shepherd-Sharp
Deputy City Clerk

cc: City Manager
Fire Chief
Public Works Director

August 12, 2020

Item No: **8f(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 18, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
DECLARING GROWING WEEDS, RUBBISH AND/OR REFUSE
ACCUMULATIONS UPON CERTAIN SPECIFIED PRIVATE PROPERTY
PARCELS TO BE PUBLIC NUISANCES, AUTHORIZING NOTICE TO ABATE
SUCH NUISANCES; SET A PUBLIC HEARING DATE OF TUESDAY,
SEPTEMBER 1, 2020, TO RECEIVE OBJECTIONS TO ABATE SUCH WEEDS,
RUBBISH AND/OR REFUSE; AND SET A PUBLIC HEARING ON OR AFTER
TUESDAY, OCTOBER 6, 2020, TO CONFIRM ANY ASSESSMENT OF COSTS
FOR WEED ABATEMENT TO BE LEVIED AGAINST ANY PARCEL NOT IN
COMPLIANCE AND DIRECT FILING OF SUCH LEVY WITH MONTEREY
COUNTY AUDITOR-CONTROLLER'S OFFICE**

REQUEST:

It is requested that the City Council:

1. Consider adopting Resolution 2020-, declaring growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances;
2. Authorize notice to abate such nuisances;
3. Set public hearing date of Tuesday, September 1, 2020, to receive objections to abate such weeds, rubbish and/or refuse;
4. Set public hearing on or after Tuesday, October 6, 2020, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and;
5. Direct filing of such levy with Monterey County Auditor-Controller's Office.

BACKGROUND:

California Government Code §§39560-39588 authorizes the City to declare certain properties with growing weeds, rubbish and/or refuse accumulated on sidewalks and private property within the City to be public nuisances.

The Marina Fire Department conducted a first round of annual inspections during the weeks of June 1, 2020 through June 21, 2020. The first round of inspections included private properties plus several City owned properties. A listing of 105 non-complying properties requiring abatement of weeds was then prepared. Property owners were each notified by mail of such noncompliance. The Fire Department conducted a second round of inspections during the weeks of July 13, 2020 through July 24, 2020. The second round of inspections included 30 properties that were non-complying. A third round of inspections on July 27, 2020 was conducted and 12 had been cleaned-up leaving 18 properties that still need to be cleaned-up and not in compliance. Specified properties which are still not in compliance are listed on **EXHIBIT A** to the attached Resolution.

ANALYSIS:

Property owners are given adequate time from receipt of the first letter to remove weeds and clean the property prior to the date the Council may by resolution declare that the growing weeds, rubbish and/or refuse accumulations on specified private property constitute a public nuisance.

If Council adopts the attached Resolution declaring that noxious or dangerous weeds are growing on the properties and rubbish refuse and dirt is present and constitutes a public nuisance, a notices to destroy weeds and remove rubbish, refuse and dirt will then be sent by the Deputy City Clerk in the form attached as **EXHIBIT B** to each of the property owners on or before Thursday, August 20, 2020, advising them of their right to object at a public hearing at the regular Council meeting of Tuesday, September 1, 2020, when the Council shall hear and consider all objections to the proposed removal and at that time acquire jurisdiction to proceed to have the Public Works Department perform the work of removal. Per Government Code §39572 the City representatives may then enter upon private property to abate the nuisance.

In the event that any non-complying properties remain, City Public Works division employees will first attempt to clear any lots. If the remaining lots require resources and labor beyond which can be provided by City Public Works employees, staff will then advertise for bids to clean and clear these properties.

Clearing of remaining lots should be completed September 30, 2020. All costs associated with public resources being committed to abatement of each separate parcel of land where the City or its contractor perform work to abate these nuisances will be documented, posted as required by Government Code §39575 on or before September 28, 2020, and submitted to the City Council for confirmation by resolution and a public hearing expected to be scheduled on or after Tuesday, October 1, 2020. The final cost for each separate parcel will be compiled and a public notice by “certified mail, return receipt requested” will be sent before the public hearing to confirm those final costs to the remaining property owners whose lots were cleared by either the City or its contractors.

The City Council will then hold a final public hearing on or after October 1, 2020, to consider these costs to hear any objections, modify the report as the Council may deem necessary, and then confirm assessment of final costs for nuisance abatement to be levied against each parcel. The confirmed costs constitute a special assessment against each parcel for which a lien may attach and after confirmation of the report, a copy shall be given to the Monterey County Auditor-Controller’s Office for addition of the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Before the conclusion of the abatement process all property-owners will have had ample opportunities to voluntarily comply with the appropriate nuisance abatement measures prior to having a special assessment attached to their property.

FISCAL IMPACT:

The cost for the Fire Department inspection is paid by general fund resources. Any costs associated with Public Works Division resources incurred to abate the remaining; non-compliant nuisances will be documented and levied against each parcel, to be paid by the parcel owner.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina