

RESOLUTION NO. 2019-98

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 PUBLIC
HEARING DATE OF TUESDAY, OCTOBER 15, 2019, TO RECEIVE OBJECTIONS TO
ABATE SUCH WEEDS, RUBBISH AND/OR REFUSE AND SET PUBLIC HEARING FOR
TUESDAY, NOVEMBER 5, 2019, 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 ASSESSOR'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 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, October 15, 2019, to receive objections to abate such weeds, rubbish and/or refuse;
4. Set public hearing for Tuesday, November 5, 2019, 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 Assessor's Office.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held the 1st day of October 2019, by the following vote:

AYES, COUNCIL MEMBERS: Berkley, Urrutia, 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**2019 Weed Abatement List 2nd Reinspection
September 11, 2019**

APN#	Date	Address	First Name/Company	Last Name	Mailing Address	City	State	Zip Code
33251025	6/18/2019	135 Robin Drive	Joshua & Abigail	Warburg TRS	135 Robin Drive	Marina	CA	93933
33222005	6/18/2019	3098 Magyar Place	Leslie	Crooke	3098 Magyar Place	Marina	CA	93933
33222026	6/18/2019	3140 Messinger Drive	Ernest	Bevilacqua	3140 Messinger Drive	Marina	CA	93933
32181011	6/18/2019	3144 Del Monte Blvd	Pearl Gate, DBA: Valero		P.O. Box 43	Livermore	CA	94551
32552010	6/18/2019	308 Costa Del Mar	Margaret Anne	Coppernoll	308 Costa Del Mar	Marina	CA	93933
32171033	6/16/2019	3141 Crescent Avenue	Nelson Vega, TRS ET AL		444 Pearl Street, D4	Monterey	CA	93940
32192052	6/16/2019	208 Mortimer Lane	Antonio	Cabrera	208 Mortimer Lane	Marina	CA	93933
32291044	6/19/2019	264 Carmel Avenue	U4Ric Investment LLC		484 B Washington St. #320	Monterey	CA	93940
32281003	6/19/2019	3077 Zanetta Drive	Paul	Cottrell	3077 Zanetta Drive	Marina	CA	93933
32411063	6/19/2019	3005 Max Circle	Mary	Blankenship	3005 Max Circle	Marina	CA	93933
32411055	6/19/2019	288 Reindollar Avenue	James & Hideko	Wingrove	288 Reindollar Avenue	Marina	CA	93933

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of October 1, 2019

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2019-, 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 PUBLIC HEARING DATE OF TUESDAY, OCTOBER 15, 2019, TO RECEIVE OBJECTIONS TO ABATE SUCH WEEDS, RUBBISH AND/OR REFUSE, SET PUBLIC HEARING FOR TUESDAY, NOVEMBER 5, 2019, 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 ASSESSOR'S OFFICE

REQUEST:

It is requested that the City Council:

1. Consider adopting Resolution 2019-, 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, October 15, 2019, to receive objections to abate such weeds, rubbish and/or refuse;
4. Set public hearing for Tuesday, November 5, 2019, 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 Assessor's Office.

BACKGROUND:

The California Government Code 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 declared public nuisances.

The Marina Fire Department conducted annual inspections during the weeks of June 14, 2019 thru June 30 2019. 123 properties were sent letters notifying them a fire hazard on their property that needed to be abated and to be brought into compliance with weed abatement standards. From July 31, 2019 thru August 4, 2019 the first round of reinspection's was conducted. 17 properties were found to be out of compliance. The 17 property owners were sent letters advising them that their property is out of compliance. The 2nd round of reinspection's were conducted from August 29- 2019 thru September 11, 2019 and 11 properties were found to be out of compliance.

ANALYSIS:

Property owners were given an opportunity to remove weeds and clean property through September 11, 2019, prior to the date of any City Council Public Hearing to permit property owners to object to the abatement notice.

For the non-complying properties that 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 will be completed in November. Any costs associated with public resources being committed to abatement of these nuisances will be documented.

A final list of costs will be compiled and a public notice by “registered mail” will be sent to the remaining property owners whose lots were cleared by either the City or contractors.

The City Council will then hold a final public hearing to consider these costs to hear any objections and then confirm assessment of final costs for nuisance abatement to be levied against parcel.

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 the 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