

RESOLUTION NO. 2019-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA  
APPROVING ABATEMENT OF WEEDS, ACCUMULATION OF RUBBISH AND/OR REFUSE  
UPON SPECIFIED PARCELS ON PRIVATE PROPERTY AS PUBLIC NUISANCES BY CITY  
PUBLIC WORKS DEPARTMENT AND SCHEDULING PUBLIC HEARING TO CONFIRM  
THE ASSESSMENT OF COSTS FOR WEED ABATEMENT

WHEREAS, at the regular meeting of October 1, 2019, the City Council approved Resolution No. 2019-98 declaring growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances, and approving a "Notice to Abate" such nuisances; and

WHEREAS, during the period of June 6<sup>th</sup> through June 30<sup>th</sup>, 2019 the City's Fire Department inspected the properties in the City of Marina and found one hundred and twenty-three (123) properties that were out of compliance; and

WHEREAS, a notice was mailed by the Fire Department via first class regular mail to one hundred and twenty-three (123) property owners out of compliance on July 8<sup>th</sup>, 2019; and

WHEREAS, during July 31<sup>st</sup>, through August 4<sup>th</sup>, 2019, the City's Fire Department re-inspected the properties on the non-compliance list and found that seventeen (17) were still out of compliance; and

WHEREAS, on September 11, 2019, the City's Fire Department re-inspected the properties on the non-compliance list and found that eleven (11) were still out of compliance; and

WHEREAS, the City's Fire Department mailed certified registered letters to the affected property owners on October 4, 2019 as set forth in "**Exhibit A**"; and

WHEREAS, the City Council held a public hearing on October 15, 2019.

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

1. Approve abatement of weeds, accumulation of rubbish and/or refuse upon certain specified private property parcels as public nuisances by the City Public Works Division, and;
2. Schedule a public hearing to confirm the assessment of costs for weed abatement to be levied against any parcel not in compliance for 6:30 P.M., Tuesday, November 5, 2019, or as soon as the matter may be heard, if any abatement by the City is conducted.
3. 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 on the 15<sup>th</sup> 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

ATTEST:

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Bruce C. Delgado, Mayor

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Anita Sharp, Deputy City Clerk

## Exhibit A

| APN      | Address               | First Name              | Last Name   |
|----------|-----------------------|-------------------------|-------------|
| 33251025 | 135 Robin Drive       | Joshua & Abigail        | Warburg TRS |
| 33222005 | 3098 Magyar Place     | Leslie                  | Crooke      |
| 33222026 | 3140 Messinger Drive  | Ernest                  | Bevilacqua  |
| 32181011 | 3144 Del Monte Blvd   | Pearl Gate, DBA: Valero |             |
| 32552010 | 308 Costa Del Mar     | Margaret Anne           | Coppernoll  |
| 32171033 | 3141 Crescent Avenue  | Nelson Vega, TRS ET AL  |             |
| 32192052 | 208 Mortimer Lane     | Antonio                 | Cabrera     |
| 32291044 | 264 Carmel Avenue     | U4Ric Investment LLC    |             |
| 32281003 | 3077 Zanetta Drive    | Paul                    | Cottrell    |
| 32411063 | 3005 Max Circle       | Mary                    | Blankenship |
| 32411055 | 288 Reindollar Avenue | James & Hideko          | Wingrove    |

Honorable Mayor and Members  
of the Marina City Council

City Council Meeting  
of October 15, 2019

**CITY COUNCIL CONSIDER OPENING A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC OBJECTING TO ABATE SUCH WEEDS, RUBBISH AND/OR REFUSE, CONSIDER ADOPTING RESOLUTION NO. 2019, APPROVING ABATEMENT OF WEEDS, ACCUMULATION OF RUBBISH AND/OR REFUSE UPON CERTAIN SPECIFIED PRIVATE PROPERTY PARCELS TO BE PUBLIC NUISANCES BY CITY PUBLIC WORKS DIVISION, SCHEDULING PUBLIC HEARING FOR TUESDAY, NOVEMBER 5, 2019, TO CONFIRM THE 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**

**RECOMMENDATION:**

It is requested that the City Council:

1. Consider Opening a public hearing and take any testimony from the public objecting to abate such weeds, rubbish and/or refuse, and;
2. Consider adopting Resolution No. 2019-, approving abatement of weeds, accumulation of rubbish and/or refuse upon specified private property parcels to be public nuisances by the City Public Works Division, and;
3. 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;
4. Direct filing of such levy with Monterey County Assessor's Office.

**BACKGROUND:**

At the regular meeting of October 1, 2019, the City Council approved Resolution No. 2019-98 declaring growing weeds, rubbish and/or refuse accumulations upon private property parcels to be public nuisances and approving a "Notice to Abate" such nuisances.

During the period of June 14 through June 30, 2019 the City's Fire Department inspected properties in the City and found one hundred and twenty-three (123) properties out of compliance.

A notice was mailed by the Fire Department via first class regular mail to the one hundred and twenty-three 123 properties (123) property owners notifying them of their non-compliance on July 8, 2019.

During the period of July 31st through August 4, 2019, the City's Fire Department re-inspected the properties on the non-compliance list and found seventeen (17) properties still out of compliance.

On September 11<sup>th</sup>, the properties out of compliance were re-inspected and 11 were found to be out of compliance.

**ANALYSIS:**

On October 4, 2019, the Fire Department sent registered letters via United States Postal Service to the eleven (11) properties where a fire hazard still exists on their property. The letter also notified them that a public hearing will be held on October 15, 2019 at 6:30 to allow the property owners an opportunity to state their objections to the proposed removal of the weeds, rubbish, refuse and dirt.

At the October 15, 2019 Council Meeting the affected property owners will have the opportunity to voice their objections to abate the weeds and be given due consideration by the City Council.

The Fire Department will coordinate with City Public Works Division to abate weeds, rubbish, etc., on October 17, 2019 if needed. As of this date, there are eleven (11) private properties that still need to comply with the weed abatement requirements (“**EXHIBIT A**”). Some of these properties may be foreclosures and code enforcement will be assisting.

If a property is cleared by City Public Works, a Public Hearing Notice to confirm the assessment of costs to abate will be mailed certified, registered mail to the affected property owners on Wednesday, October 30, 2019, and brought to the City Council Meeting on Tuesday, November 5, 2019, at 6:30 P.M. to confirm assessments.

The City is required to submit a Resolution to be adopted confirming any abatement costs to the Monterey County Assessors Office before August 1, 2020 to levy cost to property owner(s) for 2020-21 tax year.

**FISCAL IMPACT:**

A Lien will be place on the property to recover any cost that Public Works incurs during abatement.

**CONCLUSION:**

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

Respectfully submitted,

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Doug McCoun  
Fire Chief  
City of Marina

**REVIEWED/CONCUR:**

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Layne P. Long  
City Manager  
City of Marina