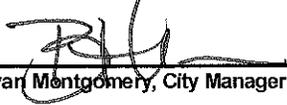




Agenda Date: 05/24/2016
Agenda Item: 3.12

STAFF REPORT

Approved and Forwarded to the City Council:


Bryan Montgomery, City Manager

Date: May 24, 2016
To: Bryan H. Montgomery, City Manager
From: Troy Edgell, Code Enforcement Manager
Subject: **Resolution Confirming the Costs for Emergency Abatement of Non-Storm Water Pollutant at 4309 Redwood Drive (APN 035-555-017)**

Background and Analysis

The City of Oakley is a Permittee of the California Regional Water Quality Control Board and as such is required to follow Water Quality Guidelines. These guidelines (Municipal Regional Storm Water Permit C.15.b.v(1)(a)) specifically prohibit the discharge of water that contains chlorine and filter backwash to the storm drains or water bodies. Additionally, Oakley Municipal Code (6.11.206) specifically states the release of non-storm water discharges to the City storm water system is prohibited.

On 21 March 2016, Public Works and Code Enforcement responded to a complaint that the resident at 4309 Redwood was draining his pool into the storm drain via the driveway and gutter. Upon inspection, the resident admitted he was cleaning his filters and washing the debris and pollutants down into the storm water system. He stated he does it twice a year and it's not harmful. Public Works informed him it was a violation. He disagreed and wanted Code sections provided to him.

Initially, the responding Public Works Engineer informed the resident he had 2 days based on projected rainfall to remove the pollutant, but when the Senior Engineer arrived and determined it was likely to rain that day, the resident was requested to remove the pollutant immediately. The resident refused to do so. As a result, a Public Works Foreman was required to respond to minimize any further pollution to the storm drainage system.

It is important to note that Code requires that a non-storm water pollutant be cleaned/removed no more than 10 days from notification of the violation or before it rains, whichever comes first. Rain was forecasted and actually did occur within one hour of verification of the violation.

The purpose of this resolution is to ensure the City's expenses for performing the abatement are recovered.

Subject: Resolution Confirming the Costs for the Abatement of a Public Nuisance and Directing a Special Assessment and Lien

Date: May 10, 2016

Page 2 of 2

Direct assessment collections of abatements must be confirmed by the City Council. To ensure this action takes place, we are seeking confirmation of the abatement and associated costs as required by OMC 1.6.150.

Per OMC the City Council shall receive and consider the report of costs and shall hear any objections of the owners of the property to be assessed for the abatement costs. The owner was notified of his right to appeal. The City Council may modify the report if deemed necessary. The hearing may be continued from time to time. At the conclusion of the hearing the City Council shall allow or overrule any objections to the proposed assessment. If no objections have been made at the hearing or the City Council has overruled those made, the City Council shall, by resolution, confirm the report of costs as submitted or modified. The proposed date for this hearing, if necessary, or confirmation of costs is 24 May 2016.

Fiscal Impact

Adoption of the Resolution will authorize Staff to invoice the property owner and provide 30 days for collection of amount due. If invoice is not paid, the Resolution allows the City to place a lien on the property and collect the amount due, if necessary, via direct assessment on the 2016-2017 tax roll.

Recommendation

Staff recommends the Council adopt the attached Resolution confirming the costs for abatement of the public nuisance and directing a special assessment and lien upon such parcel if the amount due is not paid in full by 25 June 2016.

Attachments

1. Resolution
2. Cost Report

RESOLUTION NO. __-16

A RESOLUTION OF THE OAKLEY CITY COUNCIL CONFIRMING THE COST FOR ABATEMENT OF PUBLIC NUISANCE AND DIRECTING A SPECIAL ASSESSMENT AND LIEN UPON SAID PARCEL

WHEREAS, the Oakley Municipal Code establishes standards in Law to protect the health and safety of the Community; and

WHEREAS, the City's Code Enforcement Division is tasked with addressing violations of these codes, so as to ensure the health and safety of the Community; and

WHEREAS, the property listed in Exhibit A attached had violations which required abatement by the City through the Public Works Department; and

WHEREAS, the cost incurred by the City to abate the violations is shown in the Exhibit, and such cost remains unreimbursed to date; and

WHEREAS, the City seeks to confirm this cost, and if it remains unpaid after June 25, 2016, seeks authorization to lien the properties and collect the amount due via direct assessment on the Fiscal Year 2016-2017 property tax rolls.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby confirms the cost for said property, and if remaining unreimbursed after June 25, 2016, authorizes Staff to lien the property and submit it as a direct assessment for collection on the 2016-2017 property tax roll.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 24th day of May, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

4309 REDWOOD

APN: 035-312-001

NON-STORM WATER POLLUTANT VIOLATION

PUBLIC WORKS AND STORM DRAINAGE FOREMAN	PUBLIC WORKS SENIOR ENGINEER	PUBLIC WORKS ASSOCIATE ENGINEER	PUBLICATION FEE	TOTAL COST
\$110.69/HOUR X .75 HOURS = \$83.01	\$157.35/HOUR X .5 HOURS = \$78.68	\$121.06/HOUR X 1.5 HOURS = \$181.59	\$54.72	\$398.00

Public Works costs for Foreman and Engineers include time for response, verification of violation and prevention of further non-storm water pollutant to the storm drainage system after property owner would not voluntarily clean up pollutant prior to rain that same day.