


Agenda Date: 04/26/2016
Agenda Item: 3.8

STAFF REPORT

Approved and Forwarded to the City Council:


Bryan Montgomery, City Manager

Date: April 13, 2016
To: Bryan H. Montgomery, City Manager
From: Troy Edgell, Code Enforcement Manager
Subject: Resolution Confirming the Costs for Abatement of Weeds and Debris at 3817 Longhorn Lane, 5108 Fernwood Court, and 5236 Ironwood Lane

Background and Analysis

The Code Enforcement Division is charged with enforcing those provisions that deal primarily with the failure of a property owner to care for and maintain their property, so much so, that it becomes a public nuisance.

Despite numerous requests, owners of the properties listed above failed to remove the nuisances on their parcels. Two of the homes have been vacant for years (Fernwood Court and Ironwood Lane) and continue to bring blight upon the neighborhood. The third property (Longhorn Lane) is occupied on a less than full-time basis. The owner of Longhorn Lane lost an Appeal Hearing for a citation issued for landscaping in December. Despite the Hearing Officer's decision, the property owner has continued to disregard numerous requests to abate the nuisance and has allowed the weeds to grow in size.

In accordance with OMC 4.26, Weed and Refuse abatements of properties may be performed after a ten (10) day notice to cure expires. On 30 March 2016, Correction Notices requesting the voluntary abatement of the Weeds and Refuse were sent via Certified Mail to the owners of record for all three properties AND posted on the properties. The owners were provided seven (7) calendar days to appeal the Correction Notice and if not appealed, ten (10) days to abate the nuisances. The properties were re-inspected 11 April 2016 and the nuisances were still present. That same day a Third Party contractor performed the abatement of the nuisances.

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

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 4.26.016.

Per OMC 4.26.016, after completion of any abatement work performed, the computation of costs, including administrative and legal costs, shall be transmitted to the City Council. The owner is given 10 calendar days' notice, by certified mail or registered mail, of the hearing at

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

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which the Council will consider the costs. The owner may file an appeal of the costs within 7 calendar days of the date on which the notice was mailed; the appeal shall state the grounds for the appeal. The Council shall hold a hearing to confirm the costs and consider any appeal. Its determination shall be final, and if confirmed by resolution, the costs shall become a special assessment against and lien upon the property. The proposed date for this hearing, if necessary, or confirmation of costs is 26 April 2016.

Fiscal Impact

Adoption of the Resolution will authorize Staff to invoice the property owners 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 properties and collect the amounts 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(s) if the amount due is not paid in full by 27 May 2016.

Attachments

Resolution
Cost Reports

RESOLUTION NO. ___-16

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

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 properties listed in Exhibit A attached had violations which required abatement by the City through the Code Enforcement Division; 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 May 27, 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 May 27, 2016, authorizes Staff to lien the property and submit it as a direct assessment for collection on the 2015-2016 property tax roll.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th day of April, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

3817 LONGHORN LANE

COST REPORT

ABATEMENT OF WEEDS AND DEBRIS

APN	ABATEMENT*	CODE ENFORCEMENT**	RE-INSPECTION FEES***	TOTAL COST
034-290-091	\$350.00	\$492.55	(\$103.00 X 4) = \$412.00	\$1,254.55

*Invoice attached

**Code Enforcement costs include 5.0 hours of administrative time at the hourly rate of \$98.51 (as identified in the 2015/2016 Overhead and Inter-fund Charges Schedule), including but not limited to research regarding property usage and zoning, permit research, tax assessor history and research, meeting with tenants or owners, preparation of Appeal instructions, obtaining abatement estimates, preparing Cost Report, City Council Resolution, Staff Report for City Council, coordinating payment for abatement, and inter-office coordination.

***Re-inspection fees include but are not limited to site visits to/from the property to verify compliance or non-compliance, receipts and responses to complaints directly related to the property after case initiation, taking and printing photographs.

TERRACARE
ASSOCIATES

5120 Neroly Rd
Oakley CA 94561
Phone#: (925) 383-0302
Fax#: (925) 757-2200

To: Troy Edgell

From the desk of: Francisco Q

Company: City Oakley

Today's Date: 4-11-16

Phone: 925-625-7030

ACCOUNT CODE# 41116

Re: WEED-ABATEMENT

Cell # : 925-383-03-02

FRONT YARD CLEAN-UP

We propose to furnish all labor, equipment and materials to perform the following:

3817 LONGHORN LN , FRONT YARD CLEAN UP AND DEBRIS PICK UP.

TOTAL COST..\$350

Please feel free to contact me with any questions .
Thank you,

Francisco Zaiutero
cell 925-383-0302
Account Manager
TerraCare Associates
Landscape industry
CERTIFIED

TERRACARE
ASSOCIATES

Approved by: *[Signature]*

Date: 4-11-16

5108 FERNWOOD COURT

COST REPORT

ABATEMENT OF WEEDS AND DEBRIS AT ABANDONED RESIDENCE

APN	ABATEMENT*	CODE ENFORCEMENT**	RE-INSPECTION FEES***	TOTAL COST
037-211-004	\$195.00	\$197.02	(\$103.00 X 2) = \$206.00	\$598.02

*Invoice attached

**Code Enforcement costs include 2 hours of administrative time at the hourly rate of \$98.51 (as identified in the 2015/2016 Overhead and Inter-fund Charges Schedule), including but not limited to research regarding property usage and zoning, permit research, tax assessor history and research, meeting with tenants or owners, preparation of Appeal instructions, obtaining abatement estimates, preparing Cost Report, City Council Resolution, Staff Report for City Council, coordinating payment for abatement, and inter-office coordination.

***Re-inspection fees include but are not limited to site visits to/from the property to verify compliance or non-compliance, receipts and responses to complaints directly related to the property after case initiation, taking and printing photographs.

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Today's Date: 4-11-16

Phone: 925-625-7030

ACCOUNT CODE# 41116

Re: WEED-ABATEMENT

Cell # : 925-383-03-02

FRONT YARD CLEAN- UP

We propose to furnish all labor, equipment and materials to perform the following:

5108 FERWOOD CT, FRONT YARD CLEAN UP AND DEBRIS PICK UP.

TOTAL COST..\$195

Please feel free to contact me with any questions .

Thank you,

Francisco Quintero

cell 925-383-0302

Account Manager

TerraCare Associates

Landscape industry

CERTIFIED

TERRACARE
ASSOCIATES

Approved by: *[Signature]*

Date: 4-11-16

5236 IRONWOOD LANE

COST REPORT

ABATEMENT OF WEEDS AND DEBRIS AT ABANDONED RESIDENCE

APN	ABATEMENT*	CODE ENFORCEMENT**	RE-INSPECTION FEES***	TOTAL COST
037-223-005	\$289.00	\$344.79	(\$103.00 X 6) = \$618.00	\$1,251.79

*Invoice attached

**Code Enforcement costs include 3.5 hours of administrative time at the hourly rate of \$98.51 (as identified in the 2015/2016 Overhead and Inter-fund Charges Schedule), including but not limited to research regarding property usage and zoning, permit research, tax assessor history and research, meeting with tenants or owners, preparation of Appeal instructions, obtaining abatement estimates, preparing Cost Report, City Council Resolution, Staff Report for City Council, coordinating payment for abatement, and inter-office coordination.

***Re-inspection fees include but are not limited to site visits to/from the property to verify compliance or non-compliance, receipts and responses to complaints directly related to the property after case initiation, taking and printing photographs.

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Today's Date: 4-11-16

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ACCOUNT CODE# 41116

Re: WEED-ABATEMENT

Cell #: 925-383-03-02

FRONT YARD CLEAN- UP

We propose to furnish all labor, equipment and materials to perform the following:

5236 IRON WOOD LN , FRONT YARD CLEAN UP AND DEBRIS PICK UP.

TOTAL COST..\$289

Please feel free to contact me with any questions .

Thank you,

Francisco Zututero
cell 925-383-0302
Account Manager
TerraCare Associates
Landscape industry
CERTIFIED

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ASSOCIATES

Approved by: *Francisco Q*

Date: 4-11-16