

RESOLUTION NO. 2016-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING AN ASSESSMENT NOT TO EXCEED \$1,000.00 TO BE LEVIED AGAINST ASSESSORS PARCEL NUMBER (APN) 032121018, NOT IN COMPLIANCE WITH "NOTICE TO ABATE" AND DIRECT THE CITY CLERK FILING OF LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE PRIOR TO AUGUST 1, 2016.

WHEREAS, at the regular meeting of May 3, 2016, the City Council approved Resolution No. 2016-60 declaring weeds growing or accumulation of rubbish or refuse, upon specified parcels on private property to be public nuisances, and approving a "Notice to Abate Same", and;

WHEREAS, during the period of May 5-13, 2016, the City's Fire Department re-inspected the properties on the non-compliance list, and;

WHEREAS, a second notice was mailed by the Fire Department via first class regular mail to twenty-one (21) property owners still out of compliance on June 1, 2016, and;

WHEREAS, the City's Fire Department conducted the third inspection during the week of May 25, 2016, and mailed certified registered letters to the three (3) affected property owners on June 1, 2016, as of June 26, 2016, one registered letter was signed noting receipt of notification, two were not returned, and;

WHEREAS, the City Council held a public hearing on June 21, 2016, to allow the affected property owners the opportunity to voice their objections to abate the weeds and be given due consideration by the City Council, and;

WHEREAS, the Fire Department conducted the fourth (4th) inspection during the week of June 13, 2016 to confirm that all private parcels have cleared weeds growing or accumulation of rubbish or refuse, and;

WHEREAS, after the fourth (4th) and final inspection during the week of June 13, 2016 one (1) privately-owned parcel still needed to comply with the abatement requirements and;

WHEREAS, pursuant to California Government Code sections 39560-39588 et seq; a Public Hearing Notice to authorize the assessment of fees, charges and legal cost incurred to abate was posted and mailed certified, to the property owner of APN# 032121018 on Friday, June 24, 2016 and brought to the City Council at the regularly scheduled meeting of Wednesday July 6, 2016, at 6:30 P.M., and;

WHEREAS, the City is required to submit a resolution to be adopted July 21, 2016, certifying assessment of abatement costs not to exceed \$1,000.00 and forwarded to the Monterey County Assessors Office before August 1, 2016, to levy against the property.

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

1. Authorize assessment of abatement costs not to exceed \$1,000.00 to be levied against Assessors Parcel Number (APN) 032121018 not in compliance with “Notice to Abate”, and;
2. Direct the filing of such levy with Monterey County Assessor’s office prior to August 1, 2016.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 6th day of July 2016, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Morton, O’Connell, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 6, 2016

CITY COUNCIL CONSIDER OPENING A PUBLIC HEARING, TAKING ANY TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2016-, AUTHORIZING AN ASSESSMENT NOT TO EXCEED \$1,000.00 TO BE LEVIED AGAINST ASSESSORS PARCEL NUMBER (APN) 032121018, NOT IN COMPLIANCE WITH “NOTICE TO ABATE” AND DIRECT THE CITY CLERK FILING OF LEVY WITH MONTEREY COUNTY ASSESSOR’S OFFICE PRIOR TO AUGUST 1, 2016.

RECOMMENDATION:

It is requested that the City Council:

1. Open a public hearing and take any testimony from the public;
2. Consider adopting Resolution No. 2016-, authorizing an assessment not to exceed \$1,000.00 costs to be levied against Assessors Parcel Number 032051003000 not in compliance with “Notice to Abate”, and;
3. Direct the City Clerk to file levy with Monterey County Assessor’s office prior to August 1, 2016.

BACKGROUND:

At the regular meeting of May 3, 2016, the City Council adopted Resolution No. 2016-60, declaring weeds growing or accumulation of rubbish or refuse, upon specified parcels on private property to be public nuisances, and approving a “Notice to Abate” such nuisances.

During the period of May 5 through May 13, 2016, the Fire Department re-inspected the properties on the non-compliance list.

A second notice was mailed by the Fire Department via first class regular mail to twenty-one (21) property owners still out of compliance on May 16, 2016.

The Fire Department conducted the third inspection during the week of May 25, 2016 and mailed three (3) certified registered letters to the affected property owners on June 1, 2016. As of June 26, 2016, one (1) registered letter was signed for noting receipt of notification and two (2) were not returned.

The Fire Department conducted the fourth inspection during the week of June 20, 2016, to confirm that all private parcels have cleared weeds growing or accumulation of rubbish or refuse.

ANALYSIS:

After the fourth and final inspection during the week of June 20, 2016, APN# 032121018 had not yet complied with the "Notice to Abate".

On June 22, 2016, the City Public Works Department was contacted, City Public Works has provided an estimate of \$1,000.00 to clear the property of weeds growing or accumulation of rubbish or refuse.

Pursuant to California Government Code Section(s) 39560-39588 et seq, a Public Hearing Notice to confirm the assessment of costs to abate was posted as required and mailed certified, to the property owner of APN# 032121018 on Friday, June 24, 2016 and brought to the City Council at the regularly scheduled meeting of Wednesday, July 6, 2016, at 6:30 P.M. ("**EXHIBIT A**").

The City is required to submit a resolution for adoption on July 21, 2016, confirming any abatement costs to be forwarded to the Monterey County Assessors Office before August 1, 2016, to levy cost to property owner.

FISCAL IMPACT:

The City is expected to expend a \$1,000.00 to clear the lot of weeds and debris, which will be assessed against the affected parcel and recovered by the City through the 2016-17 property tax collection.

CONCLUSION:

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

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina



Marina Fire Department

211 Hillcrest Avenue
Marina, CA 93933
Office - 831-275-1700
FAX - 831-884-1222
www.marinafire.org



PUBLIC HEARING NOTICE

**NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT**

NOTICE IS HEREBY GIVEN THAT on the 21st day of June 2016, the City Council of the City of Marina passed Resolution No. 2016-92, declaring that noxious or dangerous weeds were growing upon or in front of the property listed in said Resolution, that rubbish, refuse, and dirt were upon or in front of said property on the street in Marina and more particularly described in the Resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish 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 lien upon such land until paid. Reference is hereby made to the Resolution No. 2016-92 or further particulars. A copy of said Resolution is on file in the Office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish and/or refuse are hereby notified to attend a meeting of the City Council of the City of Marina to be held on Tuesday, July 6, 2016 at 6:30 p.m., or as soon as the matter may be heard, at the City Council Chambers located at 211 Hillcrest Avenue, Marina, California, when their objections will be heard and given due consideration.

DATED THIS 24th of June 2016

Selai Lesu, Administrative Assistant II