

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/08/07
AGENDA ITEM 8
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Hearing on Report and Assessment for Weed Abatement Fees Past Due

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution confirming the report and assessment for overdue weed abatement fees for the 2006 calendar year, and authorizing the assessments to become a lien against the properties if not paid on or before July 20, 2007.

BACKGROUND:

Weed abatement is carried out for both aesthetic and fire prevention purposes. Work consists of removal of weeds, rubbish, debris, and litter from both privately-owned and City-owned properties.

For a first-time violation, there is no charge for the compliance inspection process if corrections have been completed by the indicated reinspection date. However, if the violation is not corrected, the fee of \$300 is assessed which is based on the standard cost for staff time and materials to process a typical violation. This includes the cost of both the initial inspection and the compliance inspection, site photographs, researching property ownership records, sending abatement notices, preparing and maintaining the case file, internal vehicle charges, et cetera. Additional fees and penalties for a first violation, if necessary, are assessed as follows: \$275 second reinspection, \$475 third reinspection, \$675 fourth reinspection, and \$875 for the fifth and subsequent reinspection.

For a repeated violation of the same ordinance within 12 months by the same property owner, a fee of \$1,100 (\$300 plus \$800 penalty) is charged. For those properties that are abated by the City's contractor, a City fee of \$200 is imposed in addition to the contractor charges, to cover the City's costs of verifying the adequacy of the contractor's work and processing the invoice. If it is necessary to place a lien on a property to recover unpaid inspection or contractor fees, an additional \$150 fee is levied to cover City costs.

As in past years, in conjunction with the annual City-wide weed survey done in May, a reminder notice was mailed to those property owners who had received a Notice to Abate the previous year, whether the owner corrected the violation or the City's contractor was required to do so. Notices were also sent throughout the year to owners of property found to be in violation that had not previously received a notice in conjunction with the annual survey.

As of the date of this writing, overdue bills (including contractor costs) affecting 8 properties amount to approximately \$6923.97. Amounts currently due include a \$5 per month late charge and 1% interest per month on charges more than thirty days past due.

The purpose of tonight's hearing is to consider the proposed report and assessment list, as well as any objections from property owners. After concluding the hearing, Council may choose to modify the proposed charges and assessment list as appropriate, after which the list will be officially confirmed by resolution.

The unpaid charges, plus any administrative costs of the City and County, will then become a lien on the property and will appear on the November tax bill. When the property taxes are paid, or when the property is sold or refinanced, the County collects and remits the funds to the City. Abatement charges constitute a special assessment against the property. However, sometimes it is not possible to establish a lien to collect an overdue bill because the current owner was not the party responsible for the debt. In these instances, the Finance Director pursues collection of the debt from the responsible individual through the City Collection Officer, collection agency, or litigation as appropriate.

Public Notice

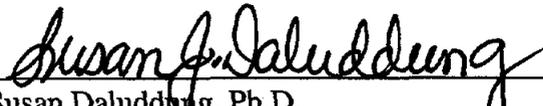
Notice of this hearing was published in the Daily Review on April 21, 2007 and April 28, 2007. A notice of this hearing was also sent by certified mail to each property owner, mortgagee or beneficiary indicated on the current assessor's roll. In addition, in April staff sent a courtesy letter to all those affected, informing them of the impending proceedings and encouraging them to pay their bills to minimize fees and be removed from the proposed assessment list.

Prepared by:



Mary Brown, Senior Community
Preservation Inspector

Recommended by:



Susan Daluddung, Ph.D.
Director of Community and Economic Development

Approved by:



Jesus Armas, City Manager

Exhibits: A – 2006 Proposed Weed Abatement Assessment List
Resolution

DEPARTMENT: WEED ABATEMENT
 INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	-PARCEL NUMBER-	OWNER NAME/ADDRESS	PARCEL LOCATION	BALANCE DUE	DEPT
BILLED TO	MAP BLOCK	PARCEL	INVOICE DESCRIPTION			STAT
166286	11/02/2006	445 0060 029 00	KASSIMIDIS STATHIS & YUL 30285 OAKBROOK RD HAYWARD CA	1425 HIGHLAND BLVD 94544	313.05	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-0899; FAILED WEED REINSPECTION DONE ON 10/21/06 AT 1425 HIGHLAND BL; APN 445-0060-029-00. IF QUESTIONS CALL INSPECTOR RAMONA PORTILLO AT 510/583-4138.						
166585	11/16/2006	445 0060 029 00	KASSIMIDIS STATHIS & YUL 30285 OAKBROOK RD HAYWARD CA	1425 HIGHLAND BLVD 94544	287.80	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-0899; FAILED WEED REINSPECTION DONE ON 11/08/06 AT 1425 HIGHLAND BL; APN 445-0060-029-00. CALL INSPECTOR RAMONA PORTILLO AT 510/583-4138 IF QUESTIONS.						
167080	12/14/2006	445 0060 029 00	KASSIMIDIS STATHIS & YUL 30285 OAKBROOK RD HAYWARD CA	1425 HIGHLAND BLVD 94544	489.80	4630 001 46
COMM PRES INSPECTION FEE CASE WA06-0899; FAILED COMMUNITY PRES REINSPECTION DONE ON 11/17/06 @ 1425 HIGHLAND BL; APN 445-0060 -029-00. IF QUESTIONS CALL 510/583-4138 INSPECTOR RAMONA PORTILLO.						
28131	BRANDTS, CHAD				TOTAL	1,090.65
166602	11/16/2006	083 0265 004 04	LAKWOOD PARK DEVELOPERS 1221 OAK ST #R131 OAKLAND CA	BODEGA ST 94612	966.02	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-0977; FAILED WEED INSPECTION DONE 09/14/ 06 @ \$300.00; CONTRACTOR ABATEMENT CHARGE FOR WORK DONE 10/31/06 @ \$446.50; PLUS \$200.00 ABATEMENT CHARGE PER PARCEL FOR BODEGA ST; APN 083-0265-004- 04. CALL INSPECTOR FLORES 510/583-4158 IF QUESTION						
28203	LAKWOOD PARK DEV/CO TAX DELIN				TOTAL	966.02
159318	07/12/2006	456 0048 004 02	MAYAR KHALID 28066 THACKERAY AVE HAYWARD CA	ARF AVE 94544	313.05	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-0558; FAILED WEED REINSPECTION DONE ON 06/23/06 AT ARF AVENUE; APN 456-0048-004-02, CALL 510/583-4172 INSPECTOR CHERYL GOMEZ IF QUESTIONS.						

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DEPARTMENT: WEED ABATEMENT
INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	- PARCEL NUMBER-	OWNER NAME/ADDRESS	INVOICE DESCRIPTION	PARCEL LOCATION	BALANCE DUE	DEPT STAT
166318	11/02/2006	456 0048 004 02	MAYAR KHALID	28066 THACKERAY AVE HAYWARD CA	ARF AVE 94544	2,156.30	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-0558; FAILED WEED REINSPECTION ON 08/03/06 @ \$275.00 AND 09/06/06 @ \$475.00; CONTRACTOR'S CHARGES OF \$1175.00 FOR WORK DONE 10/14/06, PLUS ABATEMENT CHARGE PER PARCEL OF \$200.00. ARF AVENUE APN 456-0048-004-02. CALL 510/583-4172 FOR CHERYL			

20840 MAYAR, KHALID						TOTAL	2,469.35
158449	06/08/2006	428 0066 083 02	MIRANDA JOE M	22803 FOOTHILL BLVD HAYWARD CA	22803 FOOTHILL BLVD 94541	313.05	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-0449; FAILED WEED REINSPECTION DONE ON 05/31/06 AT 22803 FOOTHILL BLVD; APN 428-0066-083-02. IF QUESTIONS CONTACT INSPECTOR MARY BROWN AT 510/583-4173.			

25504 MIRANDA, JOE						TOTAL	313.05
165492	09/28/2006	464 0075 031 00	PEDROZA JUAN M	PO BOX 1359 MILLBRAE CA	959 FOLSOM AVE 94030	313.05	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-0719; FAILED WEED INSPECTION DONE AT 959 FOLSOM AV ON 08/15/06 AT \$300.00. APN 464-0075-031. IF QUESTIONS CONTACT INSPECTOR MAGGIE FLORES AT 510/583-4158.			

27983 PEDROZA, JUAN						TOTAL	313.05
159321	07/12/2006	081D 1905 037 00	POWELL NORVIN E	28013 EL PORTAL DR HAYWARD CA	28013 EL PORTAL DR 94542	313.05	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION WA06-0584; FAILED WEED REINSPECTION DONE ON 07/07/06 AT 28013 EL PORTAL; APN 081D-1905-037. CALL 510/583-4138 IF QUESTIONS: INSPECTOR RAMONA PORTILLO.			

27390 POWELL, NORVIN						TOTAL	313.05

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DEPARTMENT: WEED ABATEMENT
 INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	-PARCEL NUMBER-	OWNER NAME/ADDRESS	INVOICE DESCRIPTION	PARCEL LOCATION	BALANCE DUE	DEPT	STAT
166122	10/26/2006	445 0130 105 00	TELLEZ RICHARD D 2221 JEFFERSON AVE REDWOOD CITY CA	COMM PRES INSPECTION FEE CASE WA06-1013; FAILED COMMUNITY PRES REINSPECTION DONE ON 10/19/06 AT 1133 ROWENA DR; APN 445-0130-105. IF QUESTIONS CALL INSPECTOR RAMONA PORTILLO AT 510/583-4138.	1133 ROWENA DR 94062	287.80	4630	001 46
166618	11/16/2006	445 0130 105 00	TELLEZ RICHARD D 2221 JEFFERSON AVE REDWOOD CITY CA	WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-1013; FAILED WEED REINSPECTION DONE ON 10/30/06 @ 475.00 PLUS CONTRACTOR CHARGE FOR WORK 10/30/06 @ \$200.00 & ON 11/03/06 @ \$164.50 AT 1133 ROWENA DR; APN 445-0130-105. CALL 510/583-4138 TO INSPECTOR RAMONA PORTILLO IF QUESTIONS.	1133 ROWENA DR 94062	857.95	4630	001 46
17555			TELLEZ, RICHARD		TOTAL	1,145.75		
160170	08/24/2006	445 0230 011 00	YASHIO JAMES A 25851 BEL AIRE DR HAYWARD CA	WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-0814; FAILED WEED REINSPECTION DONE ON 08/15/06 AT 25851 BEL AIRE DR; APN 445-0230-011-00 . IF QUESTIONS, CALL INSPECTOR RAMONA PORTILLO AT 510/583-4138.	25851 BEL AIRE DR 94542	313.05	4630	001 46
27890			YASHIO, JAMES		TOTAL	313.05		
					TOTAL	6,923.97		

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HAYWARD CITY COUNCIL

RESOLUTION NO. 07-

Introduced by Council Member _____

Memo
4/19/07

RESOLUTION CONFIRMING THE REPORT OF THE ENFORCEMENT OFFICER FOR WEED, RUBBISH, AND LITTER ABATEMENT FROM CERTAIN PROPERTIES IN THE CITY OF HAYWARD IN CONNECTION WITH THE WEED ABATEMENT PROGRAM FOR 2006

WHEREAS, in connection with the 2006 Weed Abatement Program, the Enforcement Officer has rendered an itemized report in writing to this Council showing the cost of removing weeds, rubbish, refuse, and litter from certain properties in the City of Hayward described in the report, all as required by section 4-1.62 of the Municipal Code of the City of Hayward; and

WHEREAS, the hour of 8 p.m. on Tuesday, May 8, 2007, in the Council Chambers, City Hall, 777 B Street, Hayward, California, was fixed as the time and place for this Council to receive and consider the report, and a copy of the report has been posted and published in the manner required by section 4-1.63 of the Municipal Code; and

WHEREAS, the hearing was held at the time and place fixed, and the City Council has considered the report and all comments with respect thereto; and

WHEREAS, at the time and place of the hearing, evidence of the violations was presented and an opportunity to dispute such evidence provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that except as amended by council, report of the Enforcement Officer of the City of Hayward Weed Abatement Program on the cost of removing weeds, rubbish, refuse, and litter from the properties therein described, a copy of which is attached hereto, is hereby confirmed.

BE IT FURTHER RESOLVED that payments of assessments confirmed hereby may be received by the City of Hayward Finance Director up to the hour of 5 p.m. on July 20, 2007, and thereafter such official shall transmit the unpaid assessments to the County Auditor for collection on the property tax roll.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2007

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward