



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/06/03
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 2002 calendar year, and authorizing the assessment to become a lien against the properties if not paid on or before July 21, 2003.

BACKGROUND:

Weed, rubbish and litter 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 satisfactorily completed by the indicated reinspection date. However, if the violation is not corrected, then a \$200 fee is assessed 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. For a repeated violation of the same ordinance within 12 months by the same property owner, an inspection fee of \$325 (\$200 plus a \$125 penalty fee) is charged. For those properties that are abated by the City's contractor, a City fee of \$100 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's fees, an additional \$100 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 this writing, overdue bills affecting 10 properties (including contractor costs) amount to approximately \$3,671. Amounts currently due include a \$5 per month late charge and 1% interest per month on charges more than thirty days past due.

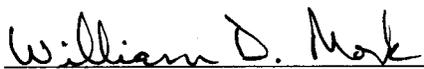
The purpose of tonight's hearing is to consider the proposed report and assessment list, as well as any objections from property owners. After concluding the hearing, Council may choose to modify the proposed charges and assessment list as appropriate, after which the list will be officially confirmed 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 remits 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 22 and April 26, 2003. 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, staff sent a courtesy letter to all those affected in April, 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:



William Mork, Senior Community
Preservation Inspector

Recommended by:



Sylvia Ehrenthal, Director of Community
and Economic Development

Approved by:



Jesús Armas, City Manager

Exhibits: A - 2002 Proposed Weed Abatement Assessment List
Resolution

INV #	DATE	-PARCEL NUMBER- BILLED TO	OWNER NAME/ADDRESS INVOICE DESCRIPTION	PARCEL LOCATION	BALANCE DUE	DEPT STAT
116595	05/09/2002	456 0023 160 00	AZZOLINO JOSEPH F & RITA 178 LISBON ST WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN01-0952; FEES FOR FAILED WEED REINSPECTION; 07/23/01; PORTSMOUTH AV HAYWARD; APN 456-0023-160. QUESTIONS CALL MARY 510/583-4173. SEE INFO BELOW.	PORTSMOUTH 94112	212.05	4630 001 46
116596	05/09/2002	456 0066 001 01	AZZOLINO JOSEPH F & RITA 178 LISBON ST WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN01-1088; FAILED WEED INSPECTION FEE ON 8/10 /01. INDUSTRIAL BL, HAYWARD; APN 456-0066-001-01. QUESTIONS CALL MARY 510/583-4173. SEE INFO BELOW.	INDUSTRIAL BL 94112	212.05	4630 001 46
118486	07/19/2002	456 0023 160 00	AZZOLINO JOSEPH F & RITA 178 LISBON ST WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN02-0636; FAILED WEED INSPECTION; PORTSMOUTH AV; APN 456-0023-160-00 ON 07/11/02. CALL MARY AT 510/583-4173 IF QUESTIONS. SEE PAYMENT INFO BELOW.	PORTSMOUTH 94112	212.05	4630 001 46
118487	07/19/2002	456 0066 001 01	AZZOLINO JOSEPH F & RITA 178 LISBON ST COMM PRES INSPECTION FEE CASE WN02-0637; FEE - FAILED WEED REINSPECTION AT INDUSTRIAL BL; APN 456-0066-001-01 ON 7/11/02. 510 /583-4173 IF QUESTIONS. SEE PAYMENT INFO BELOW.	INDUSTRIAL BL 94112	212.05	4630 001 46
15668				TOTAL	848.20	
118727	08/01/2002	078G 2738 031 00	BROWN EDWARD E 8420 W ADAMS WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN02-0568; FAILED REINSPECTION FEE \$200 06/28 /02 & ABATEMENT CHARGES \$257.50 06/29/02; APN 078G -2738-031; 3125 MEDINAH. QUESTIONS 510/583-4171.	PASCO WA 31625 MEDINAH ST 99301	472.13	4630 001 46
11127				TOTAL	472.13	
118717	07/25/2002	078G 2931 003 01	KNOWLTON PERRY C JR & ADRIENNE 31835 CHICAGINE AV WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN02-0506; WEED REINSPECTION FEE ON 6/25/02;	31835 CHICAGINE 94544	212.05	4630 001 46

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INV # DATE -PARCEL NUMBER- OWNER NAME/ADDRESS
BILLED TO MAP BLOCK PARCEL INVOICE DESCRIPTION

31835 CHICOINE AV; APN 078G-2931-003-01. QUESTIONS
CALL 510/583-4171 FOR ROBBIE.

20064
KNOWLTON JR, ADRIENNE & PERRY
TOTAL 212.05

118040 06/20/2002 455 0020 059 00 LACK ANDREW F
LACK, ANDREW F 2001 CHIPLAY CT HAYWARD CA
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION
CASE WN02-0492; FAILED WEED REINSPECTION DONE ON
06/14/02 @ 2001 CHIPLAY CT; APN 455-0020-059-00.
QUESTIONS CALL MARY 510/583-4173.

118733 08/01/2002 455 0020 059 00 LACK ANDREW F
LACK, ANDREW F 2001 CHIPLAY CT HAYWARD CA
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION
CASE WN02-0492; ABATEMENT CHARGES 7/11/02 AT 2001
CHIPLAY CT; APN 455-0020-059. QUESTIONS CALL
MARY 510/583-4173. SEE PAYMENT BELOW.

11262
LACK, ANDREW F
TOTAL 482.18

118735 08/01/2002 445 0130 022 00 LEVINSON DONNA L
LEVINSON, DONNA L. 24511 MARIE DR HAYWARD CA
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION
CASE WA02-0401; FAILED REINSPECTION ON 05/20/2002;
\$200; ABATEMENT CHARGE \$145 @ 24511 MARIE DR; APN
445-0130-022. QUESTIONS CALL MAGGIE 510/583-4158.

13166
LEVINSON, DONNA L.
TOTAL 358.50

120106 10/25/2002 431 0008 030 00 MCNEIL JAY T
MCNEIL, JAY T 407 SMALLEY AV HAYWARD CA
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION
CASE WA02-0632; FAILED WEED REINSPECTION 10/08/02;
407 SMALLEY AV; APN 431-0008-030. QUESTIONS CALL
JILL 510/583-4170.

20325
MCNEIL, JAY T
TOTAL 212.05

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REPORT ID: FMIS-AR851
DEPARTMENT: WEED ABATEMENT
INVOICES OVER 30 DAYS PAST DUE

C I T Y O F H A Y W A R D
ACCOUNTS RECEIVABLE SYSTEM
INVOICE PARCEL INFORMATION

REPORT PRINT DATE: 04/29/2003
PAGE NO. 3 TIME: 08:59

INV # DATE -PARCEL NUMBER- OWNER NAME/ADDRESS INVOICE DESCRIPTION PARCEL LOCATION BALANCE DUE DEPT
BILLED TO MAP BLOCK PARCEL INVOICE DESCRIPTION STAT

119170 09/05/2002 432 0040 045 01 O'CONNELL, BARBARA J & PATRICK A O'CONNELL, BARBARA J & PATRICK A 22680 HAPPYLAND 212.05 4630 001
O'CONNELL, BARBARA & PATRICK 4715 SCARLET SAGE DR PUEBLO CO 81001
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION
CASE WN02-0552; FAILED WEED REINSPECTION 08/13/02;
22680 HAPPYLAND AV, HAYWARD; APN 432-0040-045-01.
QUESTIONS CALL JILL 510/583-4170.

11442
O'CONNELL, BARBARA & PATRICK TOTAL 212.05

118241 07/11/2002 444 0021 046 00 REED PATRICIA L 1037 BRENTWOOD CR BUFFALO GROVE IL 24623 PONTIAC ST 212.05 4630 001
REED, PATRICIA L WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION
CASE WN02-0583; FAILED WEED REINSPECTION FEE 24623
PONTIAC ST, HAYWARD; APN 444-0021-046 ON 07/01/02.
QUESTIONS CALL JULL 510/583-4170.

19997
REED, PATRICIA L TOTAL 212.05

116130 04/15/2002 078G 2773 007 00 RODRIGUEZ JOSE L 32555 PULASKI DR HAYWARD CA 32555 PULASKI DR 238.31 4630 001
RODRIGUEZ, JOSE (PULASKI DR) WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION
CASE VH02-0189, VEHICLE INSPECTION FEES @ 32555
PULASKI DR; APN 078G-2772-007-00. QUESTIONS CALL
CSO CLEARWATER 510/583-4175. PAYMENT INFO BELOW.

19738
RODRIGUEZ, JOSE (PULASKI DR) TOTAL 238.31

121058 12/23/2002 444 0060 004 00 SINGH SATWANT & PARMJIT K 35111 NEWARK BL #259 NEWARK CA 671 BERRY 212.05 4630 001
SINGH, SATWANT/PARMJIT K WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION
CASE WA02-0883; FAILED WEED INSPECTION ON 11/20/02
AT 671 BERRY AV; APN 444-0060-004-00. IF QUESTIONS
CALL JILL AT 510/583-4170.

20602
SINGH, SATWANT/PARMJIT K TOTAL 212.05

118073 06/20/2002 455 0048 006 00 WONG PAUL J 205 GOLDEN BAY DR PACIFICA CA 27418 SLEEPY HOLLOW 212.05 4630 001
WONG, PAUL J/PACIFICA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION,
CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION

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INV # DATE - PARCEL NUMBER - OWNER NAME/ADDRESS
BILLED TO MAP BLOCK PARCEL INVOICE DESCRIPTION

CASE WN02-0605; FAILED WEED REINSPECTION 06/14/02;
27418 SLEEPY HOLLOW AV, HAYWARD; APN 455-0048-006.
QUESTIONS CALL MARY 510/583-4173. SEE INFO BELOW.

PARCEL LOCATION

BALANCE DUE

DEPT
STAT

14164
WONG, PAUL J/PACIFICA
TOTAL 212.05

TOTAL 3,671.62 ✓
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***** END OF REPORT *****

DRAFT
HAYWARD CITY COUNCIL

JC
4/17/03

RESOLUTION NO. 03-

Introduced by Council Member _____

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 2002

WHEREAS, in connection with the 2001 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 6, 2003, 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 21, 2003, and thereafter such official shall transmit the unpaid assessments to the County Auditor for collection on the property tax roll.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

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