



## OFFICE OF THE CITY CLERK

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### CITY COUNCIL STAFF REPORT

Meeting: May 21, 2019

#### Subject

Provide direction to Santa Clara County Department of Agriculture Weed Abatement Program on two non-compliant parcels removed from the Weed Abatement Program in Cupertino on February 5, 2019.

#### Recommended Action

Provide direction to Santa Clara County Department of Agriculture Weed Abatement Program staff on two non-compliant private parcels which were removed from the Cupertino Weed Abatement Program on February 5, 2019, and choose from one of the following options:

- a.) Take no action and wait another year; or
- b.) Order the parcels to be added to the Weed Abatement Program but do not seek abatement until next year; or
- c.) Adopt the Draft Resolution declaring weeds a nuisance and setting a supplemental hearing to order abatement on June 18, allowing for the parcels to be added to Weed Abatement Program and providing for re-inspection, abatement, and recovery of County costs of abatement.

#### Discussion

Chapter 9.08 of the Cupertino Municipal Code requires property owners to remove or destroy weeds on their property for fire protection. The weed abatement process is in place to notify the property owners of this responsibility, authorize the County to remove the weeds if the property owner doesn't, and allow the County to recover the costs of abatement.

On February 5, Council noted objections and adopted Resolution 19-019 ordering the abatement of a public nuisance (weeds) pursuant to the provisions of Ordinance No. 724 and Resolution No. 18-111 with the amendment to remove three properties (of those speakers who objected) from the Weed Abatement Program and directed staff to request the County re-inspect the properties in late spring.

On May 1, County staff completed the requested inspections and provided the City with an update, confirming that two of the three parcels were not in compliance after the April 30 weed abatement deadline. The County cannot perform abatement on the two noncompliant parcels since they are no longer in the program and has requested direction from Council on how to proceed.

If Council wishes to hold another hearing to order abatement, the parcel owners would receive a notice no later than 10 days before the hearing and County staff would conduct rechecks on the two parcels, and add them back into the program. The County has advised that the rechecks should occur immediately but no later than the end of the program window on October 31.

Sustainability Impact

None

Fiscal Impact

Any fees waived by the Council will be billed to the City by the County to cover their cost of servicing the property.

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Prepared by: Kirsten Squarcia, Deputy City Clerk

Reviewed by: Grace Schmidt, City Clerk

Approved for Submission by: Timm Borden, Interim City Manager

Attachments:

A - Draft Resolution

B – 2019 Cupertino Special Commencement Report