



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: August 6, 2019

Subject

Hearing to approve lien assessment and collection of fees on private parcels resulting from abatement of public nuisance (weeds and/or brush) for the annual Weed and Brush Abatement Programs.

Recommended Action

Conduct a hearing to consider objections from any property owners listed on the assessment report; and adopt the Draft Resolution approving the lien assessment and collection of fees on private parcels for the annual Weed and Brush Abatement Programs to allow the County to recover the cost of abatement.

Discussion

The lien assessment and collection process includes both the Weed Abatement Program and the Brush Abatement Program. The primary function of these programs is to work with property owners to ensure that brush, dry weeds and dead vegetation are cleared before the start of the fire season. Only properties that have not met the requirements of the two programs are listed in the assessment report.

Weed Abatement Program

The Weed Abatement Program is conducted in partnership with the Santa Clara County Department of Agriculture. Chapter 9.08 of the Cupertino Municipal Code requires property owners to remove or destroy hazardous weeds on their property for fire protection. Properties that are not in compliance with the program requirements are required to correct the conditions within a set deadline. If the property owner does not remove the weeds by the deadline then the County is thereby authorized to do so and to recover the cost of abatement from the property owner.

Brush Abatement Program

The Brush Abatement Program is managed by the Santa Clara County Fire Department and is separate from the Weed Abatement Program. Section 16.40.480 of the Cupertino Municipal Code requires property owners in the locally adopted Wildland-Urban Interface Fire Area (WUI) to maintain effective defensible space by removing brush, flammable vegetation and combustible growth as required by the fire code official due to

steepness of terrain or other conditions. The County is authorized to remove the brush if the property owner does not do so and to recover the cost of abatement from the property owner. This year there were no parcels from the Brush Abatement Program on the assessment report.

Process for Weed and Brush Abatement Programs Outlined

The process consists of eight steps that begin in November and go through August of each year. At this time the process is at Step No. 8. On July 17, 2019, the County filed with the City the report and assessment list of all costs associated with the abatement of weeds, brush, and/or combustible debris (Attachment B, Exhibit A1 in Resolution). On July 23, 2019 the City Clerk's Office mailed notification letters to the property owners on the list, informing them of the hearing date (Attachment D).

1. County prepares a list of all properties that have been non-compliant in removing weeds in the last three years and provides that list to the City (Nov).
2. City Council adopts a resolution declaring weeds a nuisance and setting a hearing date to hear objections by property owners to having their name on the list (Nov-Dec).
3. County sends notice to the property owners on the list notifying them of the hearing date and explaining that they must remove weeds by the abatement deadline of April 30 or it will be done for them, and the cost of the abatement plus administrative costs assessed to their property (Dec).
4. City Council holds the hearing to consider objections by property owners and adopts a resolution ordering abatement (Feb). Resolution No. 19-019 was adopted by the City Council on February 5, 2019 (Attachment C).
5. County sends a courtesy letter to property owners on the list notifying them again of the abatement deadline and noting that they will work with the property owner to be sure the weeds are removed (Feb).
6. After April 30, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the inspection fails. County makes a list of all costs associated with the abatement and provides that list to the City (July).
7. City notifies the property owners on the assessment list notifying them of the hearing date. (July).
8. City Council holds a hearing, notes any disputes, and adopts a resolution putting a lien assessment on the properties to allow the County to recover the cost of weed and/or brush abatement (Aug).

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.

Sustainability Impact

None

Prepared by: Kirsten Squarcia, Deputy City Clerk

Reviewed by: Grace Schmidt, City Clerk

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A - Draft Resolution and Exhibit A1 (Assessment Report)

B - Assessment Report

C - Adopted Resolution Ordering Abatement

D – City Mailed Hearing Notice