



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** November 13, 2007

Approved

*Deanna Pater*

Date

*11/16/07*

Council District: Citywide

**SUBJECT: ADOPTION OF A RESOLUTION ACCEPTING THE 2007-2008 HAZARDOUS VEGETATION COMMENCEMENT REPORT, COMPILED BY THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT, DECLARING SEASONAL AND RECURRENT WEEDS AND REFUSE TO BE A PUBLIC NUISANCE, AND DIRECTING NOTICES BE SENT TO AFFECTED PROPERTY OWNERS.**

## RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Accepting the 2007-2008 Hazardous Vegetation Commencement Report compiled by the Santa Clara County Department of Agriculture and Resource Management; and
2. Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the report are a nuisance; and
3. Directing the Santa Clara County Department of Agriculture and Resource Management to mail notices of a public hearing before the City Council, on January 15, 2008 at 1:30 p.m., on the report to property owners of affected real properties, pursuant to Chapter 9.12 of Title 9 of the San Jose Municipal Code and the Weed Abatement Agreement between the City of San Jose and the County of Santa Clara.

## OUTCOME

Adoption of this resolution will enable the City's contractor to commence the seasonal Weed Abatement Program by identifying all vacant parcels in the City that will be covered by the program for the 2007-2008 season and begin notification to property owners.

## **BACKGROUND**

The report was compiled by the Santa Clara Department of Agriculture and Resource Management, pursuant to Chapter 9.12 of the San Jose Municipal Code and the Weed Abatement Agreement between the County of Santa Clara and the City of San Jose. The report identifies where a dangerous accumulation of weeds is growing, or likely to be growing, or where a dangerous accumulation of refuse is situated, or is likely to be situated, upon streets, parkways, sidewalks or vacant private properties in the City. Each year, these noxious or dangerous seasonal and recurrent weeds and refuse are declared to be a public nuisance by resolution of the Council.

## **ANALYSIS**

The report identifies the locations, assessor's parcel numbers and property owners of all properties that are proposed for monitoring under the Hazardous Vegetation Management Program. The Department of Planning, Building and Code Enforcement has reviewed the report and it is our recommendation that the City Council accept the report. Further, the Council should direct the County Department of Agriculture and Resource Management to mail notices of a public hearing, before the City Council, on the report to each property owner of real property listed on the report. The notice will advise property owners of the date, time and place of the public hearing before the City Council, at which they will have the opportunity to voice any objections or concerns with regard to the inclusion of their property in the Hazardous Vegetation Management Program, as well as the proposed removal of such weeds and refuse. These notices will also contain information about required maintenance standards, abatement procedures and abatement charges.

The City contracts with the Santa Clara County Department of Agriculture and Resource Management to abate fire hazards and nuisances caused by dry or overgrown vegetation on vacant properties. The City could elect to conduct an abatement program using City staff and equipment. However, undetermined costs would be incurred for the purchase, operation and maintenance of equipment and to hire staff to administer and abatement program.

The Department of Planning, Building and Code Enforcement has contracted with the County to provide weed abatement services as the County already possesses the necessary equipment, staff and expertise to provide satisfactory abatement services at a reasonable cost.

A copy of the report is attached for review.

## **EVALUATION AND FOLLOW-UP**

Not applicable.

## **POLICY ALTERNATIVES**

Not applicable.

**PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach.

The County Department of Agriculture and Resource Management will mail notices of the date, time and place of the public hearing to the property owners of affected real properties, pursuant to Chapter 9.12 of Title 9 of the San Jose Municipal Code. This report does not meet any of the Public Outreach Criteria above.

**COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the Santa Clara County Department of Agriculture and Resource Management.

**COST SUMMARY/IMPLICATIONS**

Acceptance of the 2007-2008 Hazardous Vegetation Commencement Report, declaration of a public nuisance and direction for mailing of notices will have no fiscal impact on the City.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

Exempt, File No. PP06-196.



JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions, please contact Code Enforcement Official Michael Hannon at 277-4703.