



APPROVED
BY THE CITY COUNCIL

APR 7 1998

OFFICE OF THE
CITY CLERK

1.4

DEPARTMENT OF
FIRE

GARY COSTAMAGNA
FIRE CHIEF

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
SUITE 401
SACRAMENTO, CA
95814-2979

PH 916-264-5266
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March 25, 1998

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: FINDING OF FACT REGARDING WRITTEN OBJECTIONS RECEIVED
AT THE WEED ABATEMENT HEARING ON MARCH 24, 1998**

LOCATION AND COUNCIL DISTRICT: City-wide - All Districts

RECOMMENDATION:

It is recommended that the City Council approve the attached Resolution regarding Finding of Fact concerning objections and ordering abatement of weeds, rubbish, litter and/or dirt.

CONTACT PERSON: Dennis Smith, Deputy Chief, 264-5266

FOR THE COUNCIL MEETING OF: April 7, 1998

SUMMARY:

In order to proceed with the yearly weed abatement program, it is necessary for the City Council to approve the attached Finding of Fact and Resolution.

BACKGROUND INFORMATION:

The City Council passed Resolution 98-062 on March 3, 1998, declaring that weeds of a seasonal and recurrent nature were growing on various parcels within the City of Sacramento and set a hearing for March 24, 1998, to consider any objections to the proposed weed abatement on properties within the city.

There are approximately 8,600 parcels which were surveyed during the winter months that are the subject of the Weed Abatement Program. Each of the property owners had been noticed of the hearing of March 24, 1998, by mail. One objection was voiced at the hearing and two written objections were received by the City Clerk's office:

Objection Voiced at the Hearing

1. Ted J. Gibson, P.O. Box 21-4223, Sacramento, CA 95821, received an abatement notice regarding his property at 1361 Lucio Lane. Mr. Gibson claimed there was no weed problem at that location. An inspection on March 25, 1998, revealed weeds, approximately 12 inches high growing in the front yard of that property. The notice sent to this property was a result of a neighbors complaint and Mr. Gibson's objection should be overruled and he should be ordered to maintain his property in a proper manner.

Objections Received by Mail

1. Rex B. Bar, 230 Caribou Court, Vacaville, CA 95688, received notices on two lots which now contain new homes. These parcels 250-0094-017 and 250-0094-018, have been deleted from the weed abatement notice file.
2. Patrick R. Rubin, P.O. Box 525, North Highlands, CA 95660, received an abatement notice on his property, parcel 215-0250-028, located at 5322 Dry Creek Road. Mr. Rubing was sent the notice as the result of a map reading error and his parcel has been deleted from the abatement notice file.

FINANCIAL CONSIDERATIONS:

The City must abate approximately 2,000 lots which property owners fail to abate. The cost of these abatements plus an administrative fee is made the obligation of the property owner.

ENVIRONMENTAL CONSIDERATIONS:

In the event the Weed Abatement Officer detects a potentially sensitive area, the condition will be reported to the Environmental Services Division for direction. Abatement will be suspended at that location until instruction is provided. This process is similar to the approach taken when potentially hazardous materials are located at an abatement site.

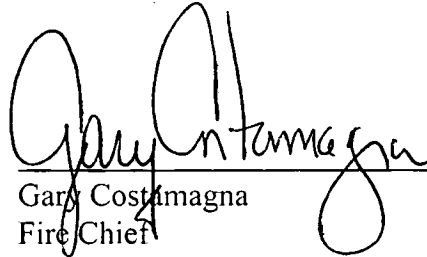
POLICY CONSIDERATIONS:

The recommendation is consistent with current City policy.

MBE/WBE EFFORTS:

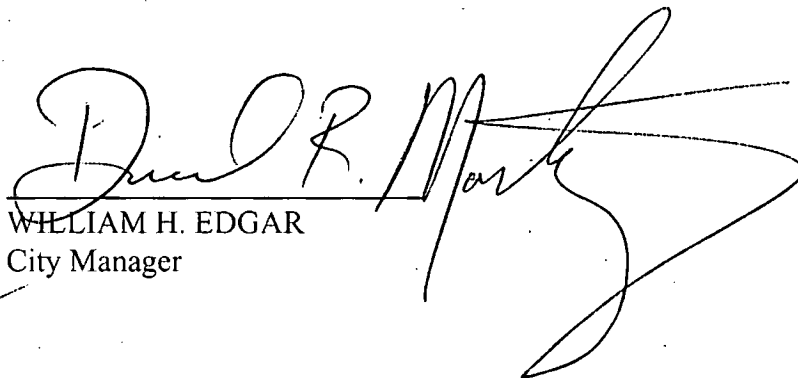
Not applicable as no goods or services are being purchased.

Respectfully submitted,



Gary Costamagna
Fire Chief

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

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APPROVED
BY THE CITY COUNCIL

APR 7 1998

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 98-118

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**FINDING OF FACT AND RESOLUTION CONCERNING OBJECTIONS
AND ORDERING ABATEMENT OF WEEDS, RUBBISH, LITTER
AND/OR DIRT**

WHEREAS, the City Council by Resolution No. 98-062, set a Public Hearing for March 24, 1998, at 7:00 p.m., in the City Council Chambers to hear and consider all objections to the proposed removal of weeds, rubbish, refuse and dirt from various parcels of property situated within the City of Sacramento and more particularly described in Resolution 98-062; and

WHEREAS, the notice of the time and place of the hearing was given in the manner provided by law; and

WHEREAS, there were was one objection voiced toward the weed abatement notice at the hearing and two written objections were received by mail; and

WHEREAS, the City Council, pursuant to Section 61.1403 of the Sacramento City Code has by Resolution 75-616, provided the standards for solicitation and award of contracts for the abatement of nuisances of this type.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

- I. Three objections were received:
 - A. Ted J. Gibson, P.O. Box 21-4223, Sacramento, CA 95821, received an abatement notice regarding his property at 1361 Lucio Lane. Mr. Gibson claimed there was no weed problem at that location. An inspection on March 25, 1998, revealed weeds, approximately 12 inches high growing in the front yard of that property. The notice sent to this property was a result of a neighbors complaint and Mr. Gibson's objection should be overruled and he should be ordered to maintain his property in a proper manner.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

- B. Rex B. Bar, 230 Caribou Court, Vacaville, CA 95688, received notices on two lots which now contain new homes. These parcels 250-0094-017 and 250-0094-018, have been deleted from the weed abatement notice file.
- C. Patrick R. Rubin, P.O. Box 525, North Highlands, CA 95660, received an abatement notice on his property, parcel 215-0250-028, located at 5322 Dry Creek Road. Mr. Rubing was sent the notice as the result of a map reading error and his parcel has been deleted from the abatement notice file
2. That the Fire Chief of the Department of Fire, City of Sacramento, is hereby ordered to proceed in the manner provided by the City Code, Resolution 98-062, and Section 39500 et. seq., of the Government Code of the State of California, with the abatement of the public nuisances created by weeds, rubbish, litter, and/or dirt.
3. That before the City's contractor arrives to perform weed and rubbish abatement work, any property owner may remove the weeds, rubbish, litter and/or dirt from their property at their own expense and avoid the cost of having the work performed by the City.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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4-7-98

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

APR 13 9 06 AM '98

Mark Ellis
4200 A Street
Sacramento, CA 95819

April 10, 1998

Mr. Gary Atchley
SACRAMENTO FIRE DEPARTMENT
Weed Abatement Section
1231 "I" Street
Suite 401
Sacramento, CA 95814

CITY CLERK
915 "I" Street
Room 304
Sacramento, CA 95814

Dear Madam/Sir:

We recently received a weed abatement notice for the following property:

Location: 4200 A Street
Parcel No.: 004-0075-003-0000

We object to removal or abatement of anything on the property.

I visited both the City Clerk's office and the Weed Abatement office recently. I obtained a copy of the resolution from the City Clerk's office but was not able to talk with anybody or receive any written information from weed abatement. After receiving your notice and making trips to these locations I still can not figure out what specifically is not in compliance on this property. The mailed notice does not mention any specific problem and the resolution does not mention any specific problem.

I would sincerely appreciate, and this letter constitutes a request for, any and all information concerning what the specific complaint as to this lot is.

If you have any questions, or need additional information, please do not hesitate to call.

Very Truly Yours,



Mark C. Ellis