



DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Neal Hornbeck, Assistant Maintenance Superintendent
SUBJECT Hearing to consider property owners' objections and adopt a resolution confirming the Superintendent of Streets' Report concerning weed abatement assessments

SUMMARY AND RECOMMENDATION

The City of Newark conducts an annual weed abatement program as a fire prevention measure. This is a combined effort between the City's Maintenance Division and the Alameda County Fire Department Fire Prevention staff. Vacant properties with the potential for extensive weed growth are typically included in the program and property owners have the option to either complete the weed abatement work themselves or have the work completed by a City contractor. On May 25, 2023, the City Council directed the Superintendent of Streets to abate weeds on 121 parcels of land. Following notification, property owners cleared 108 parcels and the remaining 13 parcels were cleared by the City's contractor. The properties cleared by the City's contractor have a resulting range of assessments between \$432 and \$4,752. The combined total for all assessments was \$21,492.

Staff recommends that the City Council, by motion, act upon any objections by property owners for assessments on their parcels for the 2023 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets Report concerning weed abatement assessments.

BACKGROUND

The City of Newark conducts an annual weed abatement program to abate weeds on vacant properties that are not properly maintained by property owners to the satisfaction of Alameda County Fire Department (ACFD) Fire Prevention staff. The program is authorized by, and conducted pursuant to, Government Code Sections 39560, et seq. The abatement work typically consists of tractor mowing, supplemented with manual labor to clear weeds abutting fences and to removal debris to facilitate tractor work. Property owners have the option to make their own arrangements for weed and debris removal. All properties on which the City performs the abatement work would be assessed the full cost of that work, including administrative costs. Administrative costs are 20% of the cost of the weed abatement services pursuant to the adopted Master Fee Schedule. Prior to abatement, there were approximately 121 industrial, residential and commercial parcels that have large areas of vacant ground with regular seasonal weed growth that could have developed into a fire hazard if not

properly maintained.

DISCUSSION/ANALYSIS

The Superintendent of Streets' report on the 2023 Weed Abatement Program is submitted pursuant to Resolution No. 11497 adopted by the City Council on April 27, 2023. The report showing the assessments for the fall 2022 and the spring 2023 weed abatement has been posted as required. Owners whose properties are subject to an assessment may protest at this meeting or submit their objections prior to the hearing. As of July 12, 2023, no written objections have been received. On May 25, 2023, the City Council directed the Superintendent of Streets to abate weeds on 121 parcels of land. Following notification, private property owners cleared 108 parcels and the City's contractor cleared 13 parcels. This year, the assessments ranged from \$432 to \$4,752. The lowest cost is for a vacant property that required minimal work. The highest cost was for a property that required extensive tractor work. There were no additional supplemental lot clearings for the 2022 fall abatement work included in this year's assessments. The combined total for all assessments, including administrative fees, was \$21,492. All work completed through the 2023 Weed Abatement Program is paid for through the proposed assessments.

FISCAL IMPACT

There is no net fiscal impact. The 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2023 provide sufficient funding for the 2023 Weed Abatement Program.

REVIEW AND APPROVAL

Prepared by - Neal Hornbeck, Assistant Maintenance Superintendent
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution Weed Abatement
Exhibit A

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING THE REPORT OF THE
SUPERINTENDENT OF STREETS CONCERNING WEED
ABATEMENT ASSESSMENTS AND APPROVING SPECIAL
ASSESSMENTS

WHEREAS, the City Council of the City of Newark, by Resolution No. 11497, ordered certain rubbish, refuse, dirt, and weeds to be abated in the manner provided by Sections 39560 and 39586 inclusive, of the Government Code of the State of California; and

WHEREAS, the Superintendent of Streets has caused said rubbish, refuse, dirt, and weeds to be abated. Nuisances abated and an accounting of the cost of abatement in front of or on each separate parcel of land has been set forth in a report entitled "Exhibit A – 2023 City of Newark Weed Abatement – Total Assessments" and attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the report of the Superintendent of Streets attached hereto and made a part hereof as Exhibit A is hereby confirmed.

BE IT FURTHER RESOLVED that the cost of abating the nuisance for each respective parcel is set forth in said report under the column entitled "Total Assessment".

BE IT FURTHER RESOLVED that there is hereby levied a special assessment against each parcel of land described in said report in the amount of \$21,492 as shown in said column "Total Assessment".

BE IT FURTHER RESOLVED that the costs levied as a special assessment against the parcels of land described in said report shall become a lien upon the property.

EXHIBIT A

2023 City of Newark Weed Abatement
TOTAL ASSESSMENTS

MAP NO.	APN	LOCATION	Total Assessment (\$)
3,3.1,3.2	092-0131-001-09	Filbert St at Snow	1,296
11	092-0041-008-03	SP Railroad Property	3,132
15	537-0460-007-25	6953 Jarvis Ave	1,080
28	92A-2300-006-12	38403 Cherry St	2,592
34-34.5	092-0126-019-00	SMCTD RR ROW	4,752
35	537-0852-001-02	8787 Enterprise Dr	2,592
36	092-0115-011-00	37445 Willow St	1,944
45	092-0125-010-00	7843 Railroad Ave	648
63	092A-0623-043-00	36589 Newark Blvd	432
65	092-0127-013-00	Walnut St Corner Lot	648
68	092-0140-006-00	8333 Enterprise Dr	648
71	092-0100-011-03	Thornton Ave	1,296
72	092-0052-004-00	Thornton Ave	432
TOTAL			\$21,492