



CITY COUNCIL AGENDA REPORT

Meeting Date: November 5, 2020

From: Clay Holstine, City Manager

Subject: Resolution 2020-61 Approving the Levy of a Special Assessment On Property At 788 Humboldt Road For the City's Cost to Remove Grass and Weeds

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Background

Section 15.44.120 of the Brisbane Municipal Code added Section 304.1.4 of the Uniform Fire Code to the Brisbane Municipal Code concerning the removal of waste materials and combustible vegetation on properties within the City of Brisbane. Section 304.1.4 (a) provides the Bureau of Fire Prevention is authorized to notify the owner of property within the City of Brisbane to properly remove and dispose of grass, weeds, combustible or flammable waste, or other growth of any kind on the owner's property that is dangerous to public safety, health or welfare, or is deemed a fire hazard by the Bureau. Such notice shall inform the owner that should such materials not be removed as required, then it will be removed by the City and cost of the removal shall be assessed as a lien on the property to be collected with the next regular tax bill.

If, after such notice, the owner fails, neglects or refuses to properly remove and dispose of such materials within 15 days, the Fire Prevention Bureau is authorized to have the City pay for removing and disposing such material and then invoice the owner. If the owner fails to pay, the Code provides the actual cost of removal, plus an administrative fee, is to be charged to the owner and placed on the next regular tax bill.

Earlier this year, the Fire Prevention Bureau notified the owners of property at 788 Humboldt Road that there were grass and weeds on the property that were deemed a fire hazard and that the grass and weeds must be removed. When the owners failed to have the grass and weeds removed, the City paid for the grass and weeds to be removed. Thereafter the owners were

sent an invoice for the cost of removal (\$395) and an administrative fee (\$252). The owners were given 30 days (to October 1) to pay but have not.

Discussion

The owners (who live out of state) has been notified that the City Council will consider, at its regular meeting on November 5, 2020, approving the levy of a special assessment on the property in the amount of \$647 as a result of the City's removing the grass and weeds. They have the right to protest or object to the levy. The owners have not submitted any written protest or objection at the time this agenda report has been published (October 30). Staff therefore recommends Council approve the levy of the special assessment and direct the City Clerk to file a certified copy of the attached resolution to the San Mateo County Tax Collector so that the assessment may be placed on property tax bill for fiscal year 2021/2022. (The assessment is too late for the tax bill for fiscal year 2020/2021.)

Of course, the City may receive such objection or protest before the meeting on November 5 or the owners may appear (remotely) at the Council meeting to voice their objection. A representative of the Fire Prevention Bureau will be available to respond. Assuming there is an objection or protest, staff recommends the objection or protest be overruled and the levy of the special assessment be approved.

Financial Impact

Through this levy and assessment process, the City will be made whole for the cost of remove this fire hazard from the City.

Attachment:

Resolution approving the levy of an assessment on property located at 788 Humboldt Drive for the City's cost to remove grass and weeds

Letter sent to the property owners



Clay Holstine, City Manager

RESOLUTION NO. 2020-61

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE, CALIFORNIA, APPROVING THE LEVY OF A SPECIAL ASSESSMENT ON PROPERTY IN THE CITY OF BRISBANE, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, DESCRIBED IN EXHIBIT A FOR REMOVAL OF WASTE MATERIAL AND COMBUSTIBLE VEGETATION

WHEREAS, Section 15.44.120 of the Brisbane Municipal Code added Section 304.1.4 of the Uniform Fire Code to the Brisbane Municipal Code concerning the removal of waste materials and combustible vegetation of properties within the City of Brisbane; and

WHEREAS, Section 304.1.4 (a) provides the Bureau of Fire Prevention is authorized to notify the owner of property within the City of Brisbane to properly remove and dispose of grass, weeds, combustible or flammable waste, or other growth of any kind on the owner's property that is dangerous to public safety, health or welfare, or is deemed a fire hazard by the Bureau and that such notice shall inform the owner that should such materials not be removed as required, then it will be removed by the City and cost of the removal shall be assessed as a lien on the property to be collected with the next regular tax bill; and

WHEREAS, if, after such notice, the owner fails, neglects or refuses to properly remove and dispose of such materials within 15 days, the Fire Prevention Bureau is authorized to have the City pay for removing and disposing such material; and

WHEREAS, when the City has paid for the removal of such materials, the actual cost thereof, plus an administrative fee, if not paid by the owner, shall be charged to the owner on the next regular tax bill for such property; and

WHEREAS, the Fire Prevention Bureau notified the owner of property at 788 Humboldt Road, Brisbane, CA (APN 007432380) that there were grass and weeds on the property that were deemed a fire hazard and that the grass and weeds must be removed; and

WHEREAS, the owner of the property did not in the time provided by the Fire Prevention Bureau remove the grass and weeds from the property; and

WHEREAS, the City paid for the removal of the grass and weeds on the property and notified the owner of the cost the City incurred to do so; and

WHEREAS, the owner has not paid the City for the cost the City incurred; and

WHEREAS, the owner has been notified that the City Council will consider, at its regular meeting on November 5, 2020, approving the levy of a special assessment on the property in the amount of \$647 as a result of the City's removing the grass and weeds; and

WHEREAS, the owner has not filed any written protest or objection to the levy of a special assessment on the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISBANE AS FOLLOWS:

Section 1. Under Section 15.44.120 of the Brisbane Municipal Code and Section 304.1.4 of the Uniform Fire Code, the City Council of the City of Brisbane does hereby levy a special assessment against the property set forth on Exhibit A and in the amount set forth on Exhibit A.

Section 2. The City Clerk is authorized to file a certified copy of this Resolution with the San Mateo County Tax Collector's Office and request that the special assessment in the amount of \$647 be placed on the next regular tax bill for the property at 788 Humboldt Road Brisbane, CA (APN 007432380).

Section 3. This Resolution shall become effective immediately upon its adoption.

Terry O'Connell, Mayor

I hereby certify that the foregoing Resolution No. 2020-61 was duly and regularly adopted at a regular meeting of the City Council of the City of Brisbane on November 5, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ingrid Padilla, City Clerk

EXHIBIT

A PROPERTY: 788 Humboldt Road, Brisbane, CA

APN: 007432380

PROPERTY OWNERS: Yulan Li and Qing Liu



CITY OF BRISBANE

50 Park Place
Brisbane, California 94005-1310
(415) 508-2100
Fax (415) 467-4989

Attachment 2

October 19, 2020

Yulan Li
Qing Liu
25 Wellington Drive
Long Valley, NJ 07853

Re: Notice of Hearing Concerning a Special Assessment on Your Property in Brisbane, CA

PLEASE TAKE NOTICE that on Thursday, November 5, 2020, the City Council of the City of Brisbane will consider at its regular meeting, beginning at 7:30 p.m. PST, a resolution to levy a special assessment on your property located 788 Humboldt Drive in Brisbane.

The reason for this special assessment is as follows: The Fire Prevention Bureau determined that the grass and weeds on your property was a fire hazard, notified you that the grass and weeds must be removed, and notified you that if you did not remove the grass and weeds, the City would do so. You did not remove the grass and weeds as directed by the Fire Prevention Bureau and the City has removed the materials. You were then advised that if you did not pay the costs--\$647—that a special assessment would be placed on your property and collected through the property tax bill. You have not paid the costs.

You may file a protest or objection to these costs prior to and/or at the meeting. If prior to the meeting, email the protest or objection to IPadilla@brisbaneca.org. Include the grounds upon which you protest or object. At the meeting you may address the City Council exclusively through remote means, either by entering the meeting identification number via www.zoom.us (Meeting ID: 979 9592 7541 Passcode: 123456), or dialing 1-(669) 900-9128 (Meeting ID: 979 9592 7541 Passcode: 123456).

If you do not file a written protest or objection prior to the meeting, the item will remain on the Council's "consent" calendar and will not be considered separately unless a Council member removes the item from the consent calendar. You must, therefore, let me know prior to the meeting if you want the item to be removed from the consent calendar.

If you choose to pay these costs, the City must receive the payment by November 4, 2020.

If you have questions concerning this matter or the procedure, please email me at IPadilla@brisbaneca.org or call me at (415) 508-2113.

Ingrid Padilla
City Clerk
City of Brisbane

