

**From:** [Cochran, Brian](#)  
**To:** [-- City Council](#)  
**Subject:** Questions on Tonight's Agenda  
**Date:** Monday, April 3, 2023 2:23:12 PM

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Hello Mayor and Councilmembers,

We had a few questions on agenda items for tonight. Below are the responses.

### **Item 6 – Weed Abatement**

#### **A councilmember had concerns related to Agenda Item 6, the City's IPM, and bird nesting season.**

The City is mindful of the competing interests of fire prevention and the environmental issues that may occur with abating overgrown vegetation. The City's weed abatement program has evolved over the years to minimize the potential harm to the environment, including hiring a contractor for the weed abatement who is trained in conducting environmental surveys and is receptive to working with the City to address these concerns.

The City's weed abatement program is authorized by Government Code Sections 39560 *et seq.* titled "Weed and Rubbish Abatement." This chapter of the Government Code enumerates a procedure for public entities to abate overgrown vegetation and is the process the City complies with before it can abate the overgrown vegetation on private properties. The City's weed abatement program is categorically exempt pursuant to CEQA Guidelines Section 15304 (Minor Alterations to Land). This is the Class 4 exemption which "consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees..." This categorical exemption applies, as the City's weed abatement program does not remove trees. It is also likely that the City's weed abatement program is also categorically exempt pursuant to CEQA Guidelines 15307 and 15308 (Actions by regulatory agencies for protection of natural resources and the environment.)

It's important to remember that the City's weed abatement program is the abatement of private lots that have overgrown vegetation. Accordingly, nothing is preventing the private property owner from using chemicals or gas-powered lawnmowers to mow their lot. As opposed to the City's contractor that has been vetted and directed to be environmentally conscious. The owner of the weed abatement company that the City hired is qualified to complete Bird Surveys for ground nesting birds and has informed City staff that he will ensure all his staff have received the same training this year prior to any weed abatement work.

Additionally, the City has compiled a list of all the lots over 1 acre. Any lot that is greater than 1 acre and requires abatement by our contractor will have a bird survey conducted prior to

the weed abatement being completed. Any lot smaller than 1 acre that the City or contractor believes may need a bird survey will also have it completed. Attached is a list of the properties that the City has found to have overgrown vegetation and is included in the April 3, 2023 resolution. If you or Council believes there is a lot or lots that you are concerned about, please let the Fire Prevention know and we can work with the contractor to address them.

Staff have informed the contractor that if a bird survey finds birds or any other environmental issue that needs to be addressed, the contractor will notify the Fire Prevention Bureau (FPB) team immediately before any work is completed. The FPB staff will work with the contractor, and other staff, or other departments that need to be involved to develop a plan for the lot to properly address the flora/fauna and the weed abatement. Additionally, the Government Code's weed abatement process requires the City to send notices to properties on the abatement list that informs them about the overgrown vegetation and that if the overgrown vegetation is not abated, that the City will perform it and lien the property for its costs. The City will add language to this notice that states if a private property owner wants the City to perform the vegetation abatement and has an environmental concern or preference to inform the City before the City performs the abatement.

The City's weed abatement program can be included in our pest management program. The weed abatement chapter of the Government Code authorizes legislative bodies that declares weeds on parcels to be "seasonal and recurrent nuisances" to perform preventative care to address these parcels including the use of chemicals. The City's resolution includes this language and finding, so use of chemicals on specific lots is an option. Fire Prevention believes that it is too late in the season for chemicals, as the weeds have already begun to grow, so they will need to be cut to complete the fire safety benefits of the weed abatement program. However, for future years staff can look to start its weed abatement program earlier to minimize any concerns for bird nesting season and the potential use of chemicals.

This City's weed abatement program is based upon cost recovery. Meaning any cost borne by the City can be liened on the abated property. As shown above, the City is conscientious of the potential impacts that weed abatement can have on the environment. If there is a less impactful way to remove the vegetation and alleviate the fire concerns, we will include that as part of the City's weed abatement program.

## **Item 9 – CDBG**

**Rebuilding Together: Appreciate the work CDBG funds for our lowest income homeowners with RTP. How do we know that RTP is not using CDBG funds to accomplish some of the new programs like tree planting that it has branched out into the community? Is staff time clearly accounted for and differentiated when serving these dual roles? Want to make sure city money is funding our low income homeowners with their safe and dry housing needs? Doing yard work for seniors is**

**not exactly the same as rebuilding bathrooms and porches.**

**City Administrative Charges: I see 66,000 for program administration cost. 42,000 dollars is recommended, what fund does the remainder 24,000 come from?**

Rebuilding Together Staff Time Allocations -

To ensure compliance with the City CDBG funded program, Rebuilding Together submits payroll details for agency staff, that tracks the day and hours allocated by the type of work. It includes outreach and intake, project planning and coordination, repairs and installation and administrative support. The agency has two full time staff members and only a portion of their time is allocated to the city program.

CDBG Program Administrative Charges -

The City is eligible to charge a maximum of up to 20% of the total grant award, but also has the option of charging less than 20%.

The total for the program year is \$330k. While the city can charge the maximum of up to \$66k, over the past three years staff has improved the administrative process for the program, which has resulted in reduced staff time required for program administration. The city has been able to shift the cost saving from administration to program activities.

Program admin summary -

Total eligible administrative charges \$66k

Reduced City administration charges \$42k

Increased investment in programs \$22k

## **Brian Cochran**

Assistant City Manager  
City of Petaluma | City Manager's  
Office  
Phone. (707) 778-4430 |  
BCochran@cityofpetaluma.org  
11 English St, Petaluma, CA 94952



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