



DATE: April 17, 2023

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Jeff Schach, Fire Chief
Jessica Power, Fire Marshal

SUBJECT: Public Hearing and Resolutions Ordering Abatement of Nuisances Consisting of Weeds Growing Upon Public and Private Property in the City of Petaluma and Ordering the Fire Department to Abate Said Weeds by Contract if Property Owners Fail to Do So

RECOMMENDATION

It is recommended that the City Council conduct a public hearing and adopt the attached Resolutions ordering abatement of nuisances consisting of weeds growing upon public and private property in the city and ordering the Fire Department to abate said weeds by contract if property owners fail to do so.

BACKGROUND

For over 37 years, the City of Petaluma has conducted an aggressive weed abatement program. The clearing of public and private property, depending on weather, must be accomplished by mid-May or early June of any given year and maintained until the first major rains of the fall. The City's weed abatement program follows the procedures stated in California Government Code sections 39560 et seq.

The purpose of brush and weed abatement is to reduce fuel loads in areas susceptible to grass or brush fires. The weed abatement program is a proactive fire prevention measure designed to:

1. Prevent ignition by reduction or removal of fuel;
2. Stop, slow, or confine the spread of a fire in areas with excessive grass or brush;
3. Allow time for fire suppression personnel to respond and extinguish a threatening fire;
4. Reduce the fire threat from properties that adjoin the city limits.

All grass and brush fires cannot be totally eradicated, but this type of weed abatement goes a long way to accomplish the goals noted above.

On April 3, 2023, the City Council approved Resolution No. 2023-042 N.C.S. which declared that weeds growing upon parcels of public and private property are a public nuisance requiring abatement. A public hearing was subsequently set for April 17, 2023, to hear any objections to said Declaration. In compliance with Government Code section 39567.1, a letter was sent to affected property owners on April 6, 2023, alerting them of their right to attend this public hearing.

DISCUSSION

The Government Code requires the City Council to provide a venue for property owners to voice their objections regarding the City's weed abatement program and how the properties are abated. This public hearing, and subsequent resolution, meets the intent of the law which allows the Fire Department and its contractor to enter private property and force abatement of weed-related fire hazards, if property owners fail to abate. Property owners are highly encouraged to handle their own weed abatement, and abatement by the City only takes place after non-compliance with the stated abatement deadline of May 31, 2023. Inspections for abatement by the City will begin June 1, 2023, depending on weather conditions, and will continue throughout the season.

In addition to the listed and known sites within the city, the Fire Department is also notified throughout the weed abatement season (typically through complaints) of additional parcels which may require abatement, and which were not listed in advance of the initial public hearing. An inspection takes place and, if the parcel is deemed to contain a weed-related fire hazard, the property owner(s) must be given the same right to due process and given an opportunity to be heard by Council. Therefore, for community-complaint driven properties in need of abatement that were not noticed for the April 17, 2023 hearing, a Public Hearing date has been set for July 17, 2023 to allow any property owner objections to be heard by Council prior to abatement by the City.

All work performed (such as disking, mowing, blading, or hand work) is charged at one-hour minimums unless listed otherwise in the rates. Additional work over one hour is prorated on quarter-hour increments at the same hourly base rate. The Contractor is permitted to charge a pulling (or towing) fee for each parcel where mowing, blading, disking or a combination thereof is performed. This fee is not applicable where only hand work is provided. Differences in size and type of terrain and method of abatement used are all variables for costs incurred. The hourly costs for work performed are as follows:

Traditional Methods

Hand Weed Whip: (gasoline powered)	\$70.00/hour
Tractor Mowing:	\$150.00/hour
Dozer fire breaks with disking:	\$250.00/hour with a 4 hour minimum
Trucking w/ trailer:	\$150.00/hour
Mastication – Excavator:	\$2,200.00/day
Mastication – Skid Steer:	\$250.00/hour with 4 hour minimum
500 Gallon Water Buffalo (fire protection):	\$100.00/per hr, when required

Zero Emissions Abatement

Hand Weed Whip: (electric powered)	\$85.00/hour
Electric Tractor Service:	\$250.00/hour (4 hour maximum run time)

Staff researched alternatives to disking utilized for this program. In 2018, it was found that two lots were abated utilizing the disking method. Portions, if not all, of these lots may not be able to be abated by other methods due to the terrain. For the 2019 season and beyond, the contractor was provided direction to utilize other methods wherever feasible. The 2023 contractor will follow the same direction. This may mean portions of lots are mowed, and portions are disked due to the terrain. Additionally, the City is exploring grazing to manage City-owned properties and will implement if and where feasible. No herbicides are used in the City's weed abatement program, which would be consistent with the planned future Integrated Pest Management policy where chemical treatment is considered after biological, cultural, and mechanical control techniques are infeasible to control a specific nuisance pest. In the case of the weed abatement program, mechanical control (cutting and/or root disruption) techniques are used.

In addition, the Contractor agrees to honor any designated "Spare-the-Air Days" that occur during the weed abatement season, as designated by the Bay Area Air Quality Management District ("BAAQMD"). They agree not to utilize any gas- or diesel-powered equipment on those designated days and all scheduled weed abatement cutting will take place around those designated days, if any.

PUBLIC OUTREACH

This agenda item was noticed in compliance with the California Brown Act. Similarly, the April 3, 2023, meeting that set the public hearing was also noticed in compliance with the Brown Act. Additionally, affected properties were mailed notices of the public hearing.

COUNCIL GOAL ALIGNMENT

The proposed action supports the following City Council Goals, Objectives, and Workplan Items:

A Safe Community that Thrives

OBJECTIVE 1: maintain and enhance public safety and prepare for emergencies and disasters, through crime and fire prevention and traffic safety.

Workplan Item #74. Evaluate all City facilities, including Police and Fire stations and corporation yard facilities; and develop maintenance and replacement recommendations.

Workplan Item #78. Improve public safety through proactive crime and fire prevention activities.

ENVIRONMENTAL REVIEW

This action was already analyzed under the California Environmental Quality Act (CEQA) at the April 3, 2023 hearing and found the action exempt under CEQA Guideline section 15304, "Class

4” – Minor Alterations to Land, because the project involves the minor alteration of the condition of land and/or vegetation, and there are no cumulative impacts, unusual circumstances or other factors that would make the exemption inapplicable pursuant to CEQA Guidelines section 15300.2.

FINANCIAL IMPACTS

The weed abatement program is structured to be a 100% cost recovery program. Direct costs of abatement are charged based on actual costs to clear the parcels. A per-parcel administrative fee is added to each public and private parcel that is abated, to cover the cost of the weed abatement inspector, program management and administrative support. The administrative fee for the 2023 weed abatement season is \$240 per parcel and is based on the City’s actual and reasonable costs of administering the program. The fee is approved by City Council Resolution and is identified in the City’s adopted schedule of fees for services. All direct and administrative costs are recovered through payment by the individual property owner(s) and/or collection of special assessments against the specific parcels by the County Assessor in connection with property tax payments.

ALTERNATIVES

The alternative to the program would be to not conduct the public hearing and rely on property owners to complete the work without direction or enforcement options. The weed abatement program is a proactive fire prevention measure designed to reduce fuel loads in areas susceptible to grass or brush fires. If property owners chose not to abate their lots, the City would have an increased fire risk.

ATTACHMENTS

1. Resolution - no recusals
2. Resolution - McDonnell recusal
3. Resolution - Nau recusal
4. Resolution - Pocekay recusal
5. Resolution - Shribbs recusal
6. Resolution - Barnacle recusal
7. Resolution - Barnacle and Healy recusal
8. Resolution - Healy recusal
9. Resolution No. 2023-042 N.C.S.
10. Letter Mailed to Property Owners
11. Proof of Service by Mail
12. Memo to Petaluma City Council Listing Properties Within 500’ of Councilmembers’ Properties