



MEETING DATE: 6/16/08

ITEM NO: 12

COUNCIL AGENDA REPORT

DATE: JUNE 4, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: ABATEMENT OF HAZARDOUS VEGETATION (BRUSH)
ADOPT RESOLUTION OVERRULING OBJECTIONS AND ORDERING
HAZARDOUS VEGETATION ABATEMENT (BRUSH)

RECOMMENDATION:

1. Open and hold the Public Hearing.
2. Close the Public Hearing.
3. Adopt Resolution (Attachment 1) overruling objections and ordering hazardous vegetation abatement (brush).

BACKGROUND:

On May 5, 2008, the Town Council passed a resolution declaring hazardous vegetation (brush) a public nuisance and set June 16, 2008 as the date for the public hearing. The required posting and publishing has been done - (Exhibit A). Property owners have been noticed by mail to remove brush in accordance with fire safety standards - (Attachment 2). The hearing is an opportunity for those objecting to the potential charges to come forward and be heard.

DISCUSSION:

As part of the annual Brush Abatement Program with Santa Clara County, the Town annually declares hazardous vegetation (brush) a nuisance due to fire danger and enters into a contract (along with other municipalities) with the County to abate the hazardous vegetation (brush) not removed by property owners. The focus of this program is the identification of perennial vegetation, brush, trees, and shrubs in designated high fire hazard areas.

PREPARED BY: KEVIN ROHANI

Interim Director of Parks and Public Works

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Reviewed by: PSJ Assistant Town Manager OK Town Attorney
____ Clerk Administrator ____ Finance ____ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: ABATEMENT OF HAZARDOUS VEGETATION (BRUSH)

JUNE 4, 2008

Attached for information is a Town Council Hazardous Vegetation Abatement Schedule (for both brush and weeds) for year 2008 - (Attachment 3).

CONCLUSION

Staff recommends approval of resolution overruling objections and ordering hazardous vegetation abatement (brush).

FISCAL IMPACT:

There is no fiscal impact.

Attachments:

1. Resolution overruling objections and ordering abatement (with Exhibit A - Notice of Public Hearing)
2. Letter from Santa Clara County Fire Department to property owners
3. Town Council Hazardous Vegetation Abatement Schedule for year 2008

Distribution:

Dirk Mattern, Deputy Chief of Fire Prevention, Central Fire District, 14700 Winchester Boulevard, Los Gatos, CA 95030

Greg Van Wassenhove, Director, County of Santa Clara, Department of Agriculture and Resource Management, 1553 Berger Drive, Building #1, San Jose, CA 95112

Moe Kumre, Program Manager, County of Santa Clara Office of the Agricultural Commissioner, Agriculture and Environmental Management, 1553 Berger Drive, San Jose, CA 95112

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS OVERRULING OBJECTIONS AND ORDERING ABATEMENT OF HAZARDOUS VEGETATION (BRUSH) AS A PUBLIC NUISANCE

WHEREAS, on May 5, 2008, the Town Council of the Town of Los Gatos adopted Resolution 2008-051, entitled, "A RESOLUTION DECLARING HAZARDOUS VEGETATION (BRUSH) A PUBLIC NUISANCE AND PROVIDING FOR ABATEMENT", directing the giving of notice that hazardous vegetation (brush) will be abated by the Town and the cost thereof made a lien upon the private properties from which they are removed if the owners thereof fail to do so, and establishing the June 16, 2008 meeting, as the time for a public hearing by the Town Council, during which all property owners having any objections to the proposed destruction or removal of such hazardous vegetation (brush) might be heard and given due consideration; and

WHEREAS, that the Director of Parks and Public Works of the Town of Los Gatos gave notice of the passage of said Resolution No. 2008-051, by causing copies of the NOTICE OF PUBLIC HEARING TO ABATE HAZARDOUS VEGETATION (BRUSH) in the same form as annexed to said Resolution No. 2008-051 to be published in the Los Gatos Weekly Times, a newspaper of general circulation published in the Town of Los Gatos on May 28, 2008, and June 4, 2008, respectively, and causing said notice (referred to as Exhibit A) to be posted on May 23, 2008 in two (2) prominent places in the Town of Los Gatos; and

WHEREAS, the Town has given Notice to all property owners found in non-compliance; and

WHEREAS, pursuant to said resolution and notice, the Town Council conducted a public hearing this date with respect thereto, at which time all property owners having any objections to the proposed destruction or removal of such attest:

RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that all objections, if any, to the proposed destruction or removal of such hazardous vegetation (brush) are hereby overruled, and the Director of Parks and Public Works, or his representative, is hereby ordered to abate such nuisance, or cause the same to be abated, by having the hazardous vegetation (brush) destroyed or removed by cutting, dicing, chemical spraying, or any other method which may hereafter be determined by the Town Council.

FURTHER RESOLVED, that the Director of Parks and Public Works of the Town of Los Gatos, or his authorized agent or representative, and the Clerk Administrator, are directed to proceed with the matters set forth in Section 11.20.010 through Section 11.20.045 of the Los Gatos Town Code.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 16th day of June, 2008, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**TOWN OF LOS GATOS
OFFICE OF THE TOWN CLERK
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Los Gatos has set Monday, **June 16, 2008** at 7:00 P.M. in the Council Chambers, 110 East Main Street, Los Gatos, California, as the time and place for a Public hearing to consider declaring that hazardous conditions exist on the properties listed and authorize the County contractor to perform the brush abatement work necessary to comply with the standards.

INTERESTED PERSONS may appear and be heard at this hearing. Please be advised that if you challenge the nature of any of the above in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Clerk Department prior to the hearing.

/s/ Jackie Rose
Clerk Administrator
PUB: LG5/28/08 & 6/4/08.

EXHIBIT A



**FIRE DEPARTMENT
SANTA CLARA COUNTY**

14700 Winchester Blvd., Los Gatos, CA 95032-1818
(408) 378-4010 • (408) 378-9342 (fax) • www.sccfd.org



Dear property owner,

Your property, which is located in the Wildland-Urban Interface Fire Area, was recently inspected by the Santa Clara County Fire Department. At that time your property was found to be non-compliant with Wildland Safety Regulations. Enclosed is a copy of the notice that was left at the residence and indicates the corrections that are necessary.

Please note that a public hearing will be held during the Town Of Los Gatos council meeting on June 16, 2008 at 7:00 PM. At that time, all properties identified by the Fire Department as being non-compliant with Wildland Safety Regulations will be declared to have hazardous conditions requiring abatement. An additional inspection of all identified properties will be conducted after the hearing and prior to ordering any abatement work. If your property is found to be in compliance at the time of the re-inspection or upon the arrival of the abatement contractor, no work will be done and no charges will be imposed.

If you are interested in having the County of Santa Clara do any brush or weed removal or wish to have an inspection for a cost estimate, please contact the Hazardous Vegetation Department at (408) 282-3145. For your convenience, a price list indicating the rates for the County Contractor is included with this notice.

If you should have any questions about the information on this notice, please contact the Fire Prevention Division of the Santa Clara County Fire Department at (408) 378-4010.

ATTACHMENT 2

Organized as the Santa Clara County Central Fire Protection District
Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos,
Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, and Saratoga

2008 COUNTY CONTRACTOR'S ABATEMENT PRICE LIST

Prices INCLUDE a 150 % County Administrative Fee

A) Disc Work**

PARCEL SIZE:	1 st Disc	+	2 nd Disc	= Total Discs
0 -12,500 sq.ft.	<u>\$769.50</u>		<u>\$76.95</u>	<u>\$846.45</u>
12,501sq.ft. - 43,560sq.ft.	<u>\$769.50</u>		<u>\$102.60</u>	<u>\$872.10</u>
Larger than 1 Acre	<u>\$513.00</u>		<u>\$102.60</u>	<u>\$615.60</u> (Per Acre)

** It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

B) HANDWORK	<u>\$109.03 PER PERSON, PER HOUR</u>
C) FLAIL MOWING	<u>6 Foot Mower \$184.68 PER HOUR</u>
	<u>12 Foot Mower \$369.35 PER HOUR</u>
D) LOADER WORK	<u>\$320.63 PER HOUR</u>
E) DUMP TRUCK	<u>\$320.63 PER HOUR</u>
F) BRUSH WORK	<u>\$109.03 PER HOUR</u>
G) BOOM MOWING	<u>\$423.23 PER HOUR</u>
G) DUMP FEE	<u>100%</u>

Added to orders with debris removal at 100% of the dumpsite charge.

*Please note-this program does not offer herbicide application as a method of abatement



**TOWN OF LOS GATOS
TOWN COUNCIL SCHEDULE FOR 2008
HAZARDOUS VEGETATION ABATEMENT**

HAZARDOUS VEGETATION ABATEMENT (BRUSH)

- May 5, 2008 Hazardous Vegetation Abatement (Brush)
A. Adopt resolution declaring hazardous vegetation (brush) a public nuisance and providing for their abatement.
B. Set June 16, 2008, as a public hearing on this annual program.
- June 16, 2008 Public Hearing - Abatement of Hazardous Vegetation (Brush)
Adopt resolution overruling objections and ordering hazardous vegetation abatement (brush).
- August 4, 2008 Abatement of Hazardous Vegetation (Brush)
A. Conduct public hearing to consider the report of the County Fire Marshal on abatement of hazardous vegetation (brush) for the 2008-2009 season.
B. Adopt resolution approving said report (available in the Clerk Department).

HAZARDOUS VEGETATION ABATEMENT (WEEDS)

- August 4, 2008 Abatement of Hazardous Vegetation (Weeds)
A. Conduct public hearing to consider the report of the County Fire Marshal on abatement of hazardous vegetation (weeds) for the 2008-2009 season.
B. Adopt resolution approving said report (available in the Clerk Department).
- November 17, 2008 Abatement of Hazardous Vegetation (Weeds)
A. Adopt resolution declaring hazardous vegetation (weeds) a public nuisance and providing for their abatement.
B. Set January 20, 2009, as a public hearing date on this annual program.
- January 20, 2009 Public Hearing - Hazardous Vegetation Abatement (Weeds)
Adopt resolution ordering abatement of hazardous vegetation (weeds).