



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Public hearing to confirm assessed abatement fees (Vegetation Management Program)

1. Motion finding the fee of \$3,614 appropriately owed by the owner of 125 Bailey Place and authorizing the fire code official to file a lien accordingly.

### COUNCIL ACTION

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**Item Type:** Public Hearing

**Approved for** June 29, 2021 **calendar**

### ADMINISTRATIVE ACTION

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**Submitted by:**

Silvio Lanzas, Fire Chief

**Prepared by:**

Jeff Ragusa, Fire Battalion Chief

**Reviewed by:**

Michele Flynn, Director of Finance

Michael J. Garcia, City Attorney

**Approved by:**

Roubik R. Golanian, P.E., City Manager

## **RECOMMENDATION**

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Staff respectfully requests that following the public hearing, and after consideration of public input, City Council confirm the appropriateness of pursuing cost recovery for city enforced brush abatement.

## **BACKGROUND/ANALYSIS**

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Glendale Fire Department operates a Vegetation Management Program (VMP) pursuant to Section 4906 of the Glendale Building and Safety Code, Volume VI. One of the enforcement tools of that program is the ability to procure a warrant to abate hazardous fire conditions when a property owner is unresponsive to warning notices. In the past year, of the 9000 parcels inspected annually under the VMP, there were three properties which progressed to city abatement.

One of those three properties, 125 Bailey Pl., received vegetation abatement under warrant on September 30, 2020. This followed all procedures outlines in BSC section 4906, including two written notices of violation, posting of a sign on the property declaring it a public nuisance, and securing and delivering a warrant to the property. Those documents are attached as Exhibit 1. Costs for that abatement amounted to \$3,614.00. Under BSC 4906.5.7, all costs of such abatement shall be charged against the owner of the property and shall be paid within 30 days after the mailing of notice of those costs. Such notice was sent by certified mail to the property owner on January 19, 2021. To date, the assessed fees have not been paid.

In the event that a property owner fails to pay a VMP assessed fee, BSC 4906.5.9.2 requires that the fire code official notify the owner that the city intends to file a lien and that a public hearing will be held to confirm the appropriateness of the charges. This notification was sent by certified mail on May 24, 2021. Accordingly, this public hearing is convened under the same code section, stated explicitly: "At the public hearing as scheduled above, the city council will hear all noticed or affected property owners who would be obligated to pay the abatement and related costs incurred by the city. The city council shall confirm the appropriateness of persons to be held responsible for the noticed abatement charges and report to the fire code official its final determinations of liability concerning the affected parties."

If the charges are confirmed by the city council and not paid within five days of this public hearing, the fire code official will cause a lien to be recorded against the property in the assessed amount.

## **FISCAL IMPACT**

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The city has already paid the up-front costs of the abatement work at 125 Bailey Pl., totaling \$3,240.00 (total assessment fine includes administrative charges of \$374.00). If the assessed fees are uncollected, that cost will not be reimbursed to the city.

## **ALTERNATIVES**

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1. The City Council may confirm the appropriateness of the VMP assessed fees. The fire code official will cause a lien to be recorded against the property in the assessed amount.

2. The City Council may deny the appropriateness of the VMP assessed fees. The fire code official will not record a lien and the abatement costs will not be repaid to the city.
3. The City Council may consider any other alternative not proposed by staff.

## **CAMPAIGN DISCLOSURE**

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## **EXHIBITS**

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1. 125 Bailey Pl. correspondence history and notices