



## STAFF REPORT

**Date:** October 7, 2014  
**To:** Bryan H. Montgomery, City Manager  
**From:** Troy Edgell, Code Enforcement Coordinator  
**Subject:** Confirm Costs of Emergency Abatement-121 West Ruby Street, Oakley, California and Direct a Lien and Special Assessment Thereon

Approved and Forwarded to City Council:

  
Bryan Montgomery, City Manager

### Summary and Recommendation

Due to the imminent threat to public health, safety and welfare, it was determined by the City Manager that an emergency order to abate be performed at 121 West Ruby Street, Oakley, California. To remedy the nuisance, the abatement consisted of removing all trash and debris and securing the building on the property from illegal entry. Staff recommends City Council confirm the costs of the abatement of the public nuisance and direct a lien and special assessment on the parcel so the City may recover the costs it has expended.

### Fiscal Impact

The cost to hire a contractor to perform the nuisance abatement work to clear the exterior of the property of all debris and trash and secure the building from illegal entry was \$2,870.00. Administrative costs include nine (9) hours of administrative time at the hourly rate of \$87.00, including, phone calls to the owners/interested parties of the property, receipts and responses to complaints regarding the property, site visits to property tenants seeking voluntary compliance to cure violations, meeting with City Law Enforcement to ensure safety of Code Enforcement staff during visits and inspections, administering/issuing permission to enter authority for tenants to recover personal property, mailing of notices, soliciting bids to abate, travel to and from property for acquiring bids for abatement, meeting with bidding contractors to discuss scope of work, taking and printing photographs before and after abatement, writing and editing code enforcement report. The total cost to the City was \$3,653.00. If the City Council confirms the costs, the City may recover the cost it has expended to hire a contractor and the cost of administrative time focused on abatement of the nuisance.

### Background and Analysis

Code Enforcement staff received multiple anonymous complaints from residents along West Ruby Street seeking assistance in remedying several neighborhood preservation nuisances at 121 West Ruby Street. Specifically trash and debris were being discarded in the front and side yards. Code Enforcement staff approached occupants requesting them to voluntarily clean up trash and debris but were unsuccessful. Code Enforcement staff was unable to locate the owner of record (responsible party) to begin the formal correction process. Further investigation into property ownership revealed the property was purchased through the use of a false identity and there was no identifiable responsible owner that Code Enforcement staff could notify to cure the violations.



On July 24, 2014 Code Enforcement staff received a request from Oakley Police Department to inspect the property following a probation search and arrest of an occupant. Upon inspection it was determined that in accordance with the Uniform Housing Code, the property was not habitable. Specific reasons were a lack of hot water, lack of heat, lack of sanitation (toilets), and unsafe Electrical. The City of Oakley Building Official contacted Pacific Gas and Electric and directed the property's power source be disconnected. Further inspection of the property's exterior grounds and building interior revealed threats to public health, safety and welfare. There was evidence of human feces inside the house on floors and outside in the yard. There was also evidence of vector nuisances living in the rubbish and debris sorted throughout the exterior grounds as well as numerous containers being temporarily used for the storage of human urine in one of the two sheds in the backyard being used as living quarters.

A title search indicated there are two possible lien holders, Chase Property Preservation and Fieldstone Mortgage Company. Notification of an Emergency Order to Abate was sent to both parties with potential interests. Notification with Chase Property Management was successful and certified mail receipt confirmed delivery. Contact with Fieldstone Mortgage was unsuccessful and certified mail was returned non-deliverable.

Due to the imminent threat to public health, safety and welfare, the City Manager directed an Emergency Order to Abate the nuisance. The Code Enforcement staff obtained two (2) estimates from private contractors willing to do the work and requested a cost estimate from the City's Public Works Department to act as a cost comparison. The City chose the lowest estimate. Thereafter the nuisance abatement was performed by the contractor.

Staff prepared a notice of the abatement and information regarding the Council's consideration of this item. Staff posted the notice and information on the property, mailed it to the owner of record and the two possible lien holders, and published it in the *East County Times*.

If the Council adopts this resolution to confirm the costs of abatement of the public nuisance on the property, the City may bill the owner(s) of the property. If the owner(s) fail to remit payment within thirty (30) days of the mailing of the bill, the City may proceed with filing the costs as a lien and special assessment against the property.

### **Conclusion**

Confirming the costs of abatement of the nuisance on the property will allow Staff to proceed with the process to recover the costs incurred for abatement of the nuisance.

### **Attachment**

- 1.) Resolution

RESOLUTION NO. \_\_\_-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
CONFIRMING THE COSTS FOR ABATEMENT OF A PUBLIC NUISANCE ON  
CONTRA COSTA COUNTY ASSESSOR'S PARCEL NUMBER 035-115-016 LOCATED  
AT 121 WEST RUBY STREET IN OAKLEY AND DIRECTING A LIEN AND SPECIAL  
ASSESSMENT UPON THE PARCEL IN THE AMOUNT OF \$3,653.00**

**WHEREAS**, Contra Costa County Assessor's Parcel Number 035-115-016, a Single Family Residence located at 121 West Ruby Street contained nuisances deemed hazardous to public health, safety and welfare as set forth in Exhibit A; and

**WHEREAS**, the Code Enforcement Officer for the City of Oakley received complaints regarding the condition of the property; and

**WHEREAS**, from the 8<sup>th</sup> day of May 2014 to the 23<sup>rd</sup> day of July, 2014 the Code Enforcement Officer for the City of Oakley made several attempts to gain voluntary compliance from the occupants and to locate the legal property owner to inform him/her of nuisances and request to remedy; and

**WHEREAS**, on the 24<sup>th</sup> day of July 2014 the Code Enforcement Officer for the City of Oakley performed a visual inspection and determined in accordance with the 1997 Uniform Housing Code the property was not habitable and the condition of the exterior of the property was deemed a hazard to public health, safety and welfare; and

**WHEREAS**, on the 25<sup>th</sup> day of July 2014 the City Manager directed Code Enforcement staff to seek bids to cure the nuisance causing the threat to public health, safety and welfare and execute an Emergency Abatement of such nuisance; and

**WHEREAS**, on the 23<sup>rd</sup> day of August 2014 work to abate the nuisance was completed by a designee of the Code Enforcement Coordinator as set forth in Exhibit B; and

**WHEREAS**, on the 23<sup>rd</sup> day of September 2014 additional work (replace a destroyed board) to abate the nuisance was completed by a designee of the Code Enforcement Coordinator as also set forth in Exhibit B ; and

**WHEREAS**, the costs for abatement of the nuisance, including legal and administrative costs, for parcel 035-115-016 is \$3,653.00, has been provided pursuant to Oakley Municipal Code Section 1.6.140, a copy of which is attached hereto as Exhibit C; and

**WHEREAS**, notice of the abatement and opportunity to be heard was posted, mailed and published in accordance with Oakley Municipal Code Sections 1.6.142 through 1.6.146.

**BE IT RESOLVED** by the City Council of the City of Oakley that council confirms the costs incurred by the City for abatement of the nuisance on Contra Costa County Assessor Parcel Number 035-115-016 located at 121 West Ruby Street Oakley and directs a lien and special assessment upon the parcels for such abatement costs pursuant to Oakley Municipal Code Section 1.6.150 and Government Code Section 38773.5.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 14th day of October, 2014 by Councilmember \_\_\_\_\_, who moved its adoption, which motion being duly seconded by \_\_\_\_\_, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

\_\_\_\_\_  
Randy Pope, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date



Exhibit A

















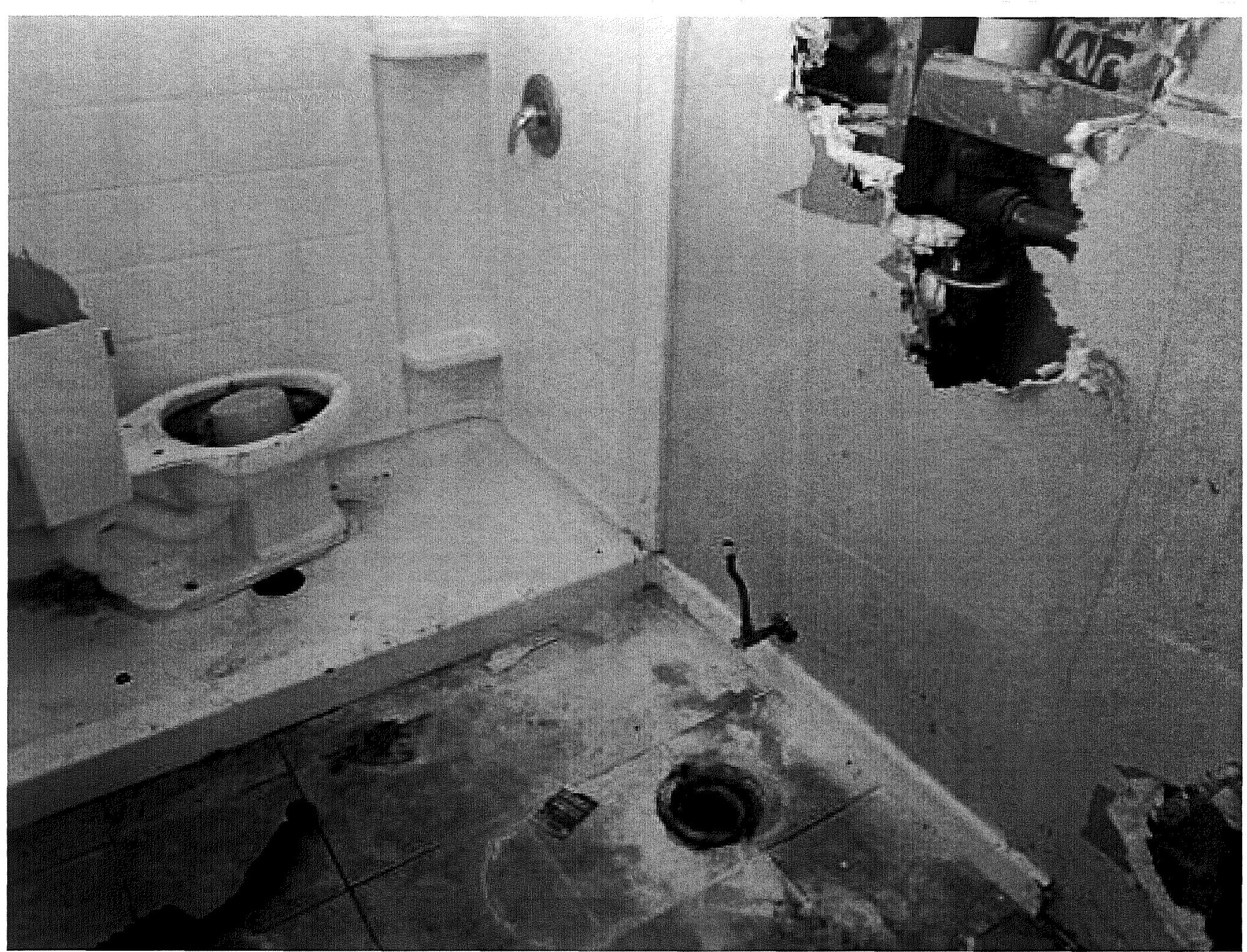
























Exhibit B

# Invoice




A & J Hauling  
 21 C Orinda Way # 181  
 Orinda, CA 94563

Date	Invoice #
8/23/2014	10105

Bill To

City Of Oakley  
 ATTN: Code Enforcement  
 3231 Main St.  
 Oakley, CA 94561

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
3	Full truck debris disposal	450.00	1,350.00
20	Labor/hand loading	30.00	600.00
10	Truck tire (large)	10.00	100.00
14	Board up/Lock out	40.00	560.00
	Generator fee	200.00	200.00
<p><i>OK to pay</i></p> <p><i>Cost to date: 121 West Ruby</i></p> <p><i>Oakley, CA 94561</i></p> <p><i>Acct # 100-18-006-5201</i></p> <p><i>J Edgett</i></p> 			

121 W Ruby St Oakley, CA 94561	<b>Total</b>	\$2,810.00
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Phone #	Fax #	E-mail	Web Site
888-907-4285	925-253-9245	info@ajhauling.com	www.ajhauling.com

# Invoice



A & J Hauling  
 21 C Orinda Way # 181  
 Orinda, CA 94563

Date	Invoice #
9/23/2014	10207

Bill To

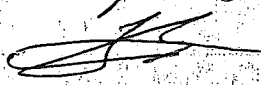
City Of Oakley  
 ATTN: Code Enforcement  
 3231 Main St.  
 Oakley, CA 94561

**RECEIVED**

OCT 08 2014

**CITYOFOAKLEY**

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
2	Labor/hand loading  <i>Replace destroyed Board as a result of vandalism.</i>  <i>Please Code to:</i> <i>100-18-006-5201</i> <i>Troy Edgell</i>  <i>10-8-14</i>	30.00	60.00

121 W Ruby St Oakley, CA 94561

**Total**

\$60.00

Phone #	Fax #	E-mail	Web Site
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## COST REPORT

09/04/14

ADDRESS	APN	CONTRACTOR COST*	ADMINISTRATIVE COST**	TOTAL COST
121 West Ruby Street	035-115-016	\$2,870.00	\$87.00/hr x 9.0= \$783.00	\$3,653.00

\*Invoices attached

\*\*Administrative cost includes nine (9) hours of administrative time at the hourly rate of \$87 (as identified in the 2014/15 Overhead and Interfund Charges Schedule), including: phone calls to the owners/interested parties of the property, receipts and response to complaints regarding the property, site visits to property tenants seeking voluntary compliance to cure violations, meeting with City Law Enforcement to ensure safety of Code Enforcement staff during visits and inspections, administering/issuing permission to enter authority for tenants to recover personal property, mailing of notices, soliciting bids to abate, travel to and from property for acquiring bids for abatement, meeting with bidding contractors to discuss scope of work, taking and printing photographs before and after abatement, writing and editing code enforcement report.

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121 W Ruby St Oakley, CA 94561

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