

MEMORANDUM

Public Works Department



DATE: August 5, 2021

TO: Mayor and Council

THROUGH: Steve McHarris, City Manager *Steve McHarris*

FROM: Tony Ndah, Public Works Director
Sharon Goei, Building Safety and Housing Director
Brian Sherrard, Fire Chief

SUBJECT: **Citywide Weed Abatement Program Update**

As part of staff's recommendation for the allocation of American Rescue Plan Act funds scheduled for August 5, 2021 Council meeting, staff is proposing to allocate \$90,000 for temporary contractual services. The purpose of this memorandum provides an update on staff's efforts and challenges to control weeds throughout the City given existing resources, and highlight the major components of the City's weed abatement program.

Weed growth in the City primarily occurs in the following areas:

- City Owned Property – Public Right of Way
- Other Jurisdictional Agencies within the City Limits
- Private Property Locations

A. City Owned Property – Public Right of Way

Over 90 areas within the City's right-of-way responsibility are subject to weed growth. These areas include major streetscapes and medians, trails and paths, drainage ditches, and roadsides. The main components of the City's weed abatement program for City owned right of way consists of the following:

Pre and Post Emergent Application – Public Works staff began pre and post emergent application in the fall 2020 and into this Spring, as opposed to using mechanical or manual removal methods. It has been proven that effective use of pre and post emergent application saves countless labor hours of hand pulling weeds and can reduce the frequency of mowing and string-trimming. Materials used were selected on the basis of overall long-term application control, sustainability, and effectiveness. Following the pre and post emergent application, staff allows time for the product to activate before returning to the area to complete routine maintenance in the area.

Routine Maintenance – The weed abatement program is a year-round activity of the Public Works Department, with staff targeting critical areas for weed abatement each year performing general clean-up, mowing and/or weeding, trimming and pruning, refuse collection, and pre and post emergent application.

To report weed issues in the Public Right of Way, residents may contact the Public Works Department at:

Weed Abatement and Landscaping on City owned property – Public Right of Way

MyMilpitas Mobile app: <http://app.ci.milpitas.ca.gov/mymilpitasapp/>

Website: <https://ws.ci.milpitas.ca.gov/mymilpitasapp/residentreport.php>

Call: (408) 586 – 2600

Email: MilpitasWorks@ci.milpitas.ca.gov

Current Weed Abatement Challenges and Actions Taken/Underway/Considered – The Public Works Department currently has a backlog of weed abatement work at sites throughout the City due to a staff vacancy, staff out on medical leave, and the inability to fill seasonal worker positions due to lack of interest from applicants. Currently, there are only three out of six budgeted full time and one out of four seasonal maintenance worker positions dedicated to addressing weed abatement citywide at this time due to one vacancy and two unforeseen medical leaves along with the four seasonal worker vacancies. Staff have implemented remediation actions and are looking into other options to secure resources to address weeds this calendar year.

Actions Taken/Underway:

1. *Prioritizing weed abatement sites* – staff have been conducting weekly inspections of weed abatement sites and have been prioritizing work sites based on the potential to become a fire hazard as determined by the Fire Marshal.
2. *Use of Overtime* – staff have been utilizing overtime budget hours to schedule and perform weed abatement work on weekends. The overtime work is made available to all staff within the department willing to come in and work the extra hours.
3. *Hiring of Fulltime and Seasonal Maintenance Workers* – the recruitment for Maintenance Worker I/II recently closed and Human Resources staff are in the process of screening applications and will schedule testing and interviews thereafter. Once we have selected the candidates to fill the Maintenance Worker positions, offers will be made to the remaining applicants for the seasonal maintenance worker openings. Further, the seasonal maintenance worker position opportunity has been re-posted.
4. *Reassign Staff from other Divisions* – staff is temporarily reassigning maintenance workers from other areas within the department to address the most urgent weed abatement needs; however, these temporary reassignment of staff from other areas needs to be balanced with minimizing the impact on other maintenance areas such as street repairs (e.g.: potholes, sidewalks), parks maintenance, etc.
5. *Sheriffs Work Program* – staff are working on an agreement with the Santa Clara County Sheriff's Office to utilize their work alternatives program to add additional resources for the weed abatement team to assist with basic peak landscape maintenance tasks.

Actions Considered:

1. *Contract Services* – as part of the ARPA discussions on August 5, 2021, staff is bringing forward a recommendation for contract services to assist with the abatement of weeds and brush. It is important to note that if Council approves using ARPA funds for weed abatement contractual services, staff needs to bring forward an appropriation action for Council consideration and proceed with a competitive procurement process in compliance with federal regulations.
2. *Median Landscape Improvement* – as part of the development of the 2023-2027 Capital Improvement Program, staff is exploring the conversion of select parkways and center medians in the City into low water, low maintenance hardscapes. These landscape conversions would provide the City with water savings and would also reduce the number of staff hours spent on the ongoing maintenance of these parkways and medians. The staff hours saved would be allocated to weed abatement tasks in other areas in the City, which would increase the level of service citywide.

The survey will be promoted through social media (Facebook and Nextdoor), the City's sustainability newsletter (Sustainable Milpitas), and the City's email list serves, and other communication channels.

B. Other Jurisdictional Agencies within the City Limits

Public Works staff continues to coordinate with Caltrans, Santa Clara County, Milpitas Unified School District, City of San Jose, City of Fremont, and the Santa Clara Valley Water District to address weed abatement concerns in the City, within their jurisdiction through regular meetings and as-needed meetings, emails and phone calls .

- Caltrans (Calaveras Blvd Between N. Milpitas Blvd. and Abel St., Highway 680, 880, and SR237 on/off ramps)
- County of Santa Clara (Montague Expressway)
- City of San Jose (near Dixon Landing Road and McCarthy Blvd.)
- City of Fremont (at Dixon Landing Rd)
- Santa Clara Valley Water District (along creeks)

A majority of the complaints received by staff each year are regarding weeds near SR-237/I-880 interchange, Calaveras Boulevard/SR-237, and I-880 and I-680 at the on and off ramps. Concerns about weed abatement in other jurisdictional agency areas within the City limits can be reported as follows:

For weed abatement concerns on Highway 680, 880, and Calaveras Blvd. on/off ramps

Contact California Department of Transportation (CALTRANS), District 4 Office at [\(510\) 286 – 4444](tel:(510)286-4444).
Submit a Customer Service Request to CALTRANS at <https://csr.dot.ca.gov/>

For weed abatement concerns on Montague Expressway

Contact Santa Clara County Roads and Airports at [\(408\) 494 – 2750](tel:(408)494-2750).
Submit a Customer Service Request to <http://maintstar.sccgov.org:81/mstarcrm/Request/Request.aspx>.

For weed abatement concerns along creeks

Contact Santa Clara Valley Water District (SCVWD) at [\(408\) 265 – 2600](tel:(408)265-2600).
Submit a Customer Service Request to SCVWD at <https://clients.comcate.com/newrequest.php?id=80>.

C. Private Property

The Building Safety and Housing Department is staffed for complaint-driven code enforcement issues handling approximately 600 cases per year resolving about 75% of cases within 30 days. Insofar, residents and businesses submit a complaint to staff, the Department plays a critical role in addressing weed abatement concerns throughout the City on private properties. In accordance with the City's Municipal Code:

X-2-6.01 – Any person owning or occupying property adjoining the public right-of-way shall be responsible for planting, maintenance and care of any plantings other than Approved Street Trees in those areas between the curb and right-of-way or easement. The planting areas shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded and/or overgrown vegetation. Maintenance of such areas shall include, but not limited to, weeding, pruning, spraying and watering.

6.01-1 Exception. The City shall maintain those planting areas within the street, which are developed and landscaped as a public improvement.

Through the Building Safety and Housing's Code Enforcement function, staff have continued to work to ensure that private property owners and homeowner's associations address excessive weed growth through the enforcement of the City ordinances. Concerns about weed abatement on private property can be reported as follows:

Weed Abatement on Private Property

Building and Housing Department – Code Enforcement, (408) 586 – 3076

D. Santa Clara County Hazardous Vegetation Abatement Program

The Fire Department is active in enforcing weed abatement on private properties under the California Fire Code and Milpitas Municipal Code, Title V, Chapter 202. Likewise, pursuant to a February 2, 1976 Agreement between the City and the County of Santa Clara (County), the County under the provisions of the Health and Safety Code of the State of California and its ordinance has the authority to enforce the abatement of weeds for the City. Each year, the Fire Department works with the County to implement their Hazardous Vegetation Abatement Program (Program).

Major procedural functions under the Program are outlined below. For the August 5, 2021 Council Meeting, Council is asked to approve placing a lien on several parcels for non-payment of weed abatement services provided by the County.

1. The County prepares a list of parcels requiring abatement of weeds in the City and sends the list to the City for review and approval.
2. The County prepares notices for weed abatement and sends the notices to the owners of the parcels requiring weed abatement.
3. The City conducts a public hearing on the proposed removal of weeds, adopts a resolution to declare the weeds on the respective parcels of the land as a nuisance, and authorizes the County to perform weed abatement services on the parcels in accordance with the February 2, 1976 Agreement.
4. Upon proper authorization by the City, the County proceeds with the removal of the weeds on the designated properties and provides the City with an itemized assessment report for the cost of the weed abatement services performed on each parcel.
5. Finally, the City holds a public hearing to include the cost for the weed abatement services performed for the City for the current year, as a special assessment on the bills for taxes levied against the affected parcels.

Questions about the County's Hazardous Vegetation Abatement Program in the City can be directed to:

Milpitas Fire Prevention Division
Fire Prevention Business Line - (408) 586 - 3365