



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director

MEETING DATE: May 14, 2024

SUBJECT: Consideration of Resolution 2024-61, Approving a Professional Services Agreement with Integrity Arborist & Ecoscape, Mariposa Landscapes, Inc., and CM Landscapes for Weed Abatement Services

RECOMMENDATION:

Adopt Resolution 2024-61.

BACKGROUND:

The properties upon which weed abatement services shall be done consist of private property and some city-owned properties, both undeveloped and developed, upon which combustive material and/or hazardous vegetation form a fire hazard and have been declared a nuisance and a fire hazard. The scope of services includes The Contractor performing hazardous vegetation abatement at numerous sites described in BMC Chapter 8.48.050 and all other relative law provisions. The City is seeking contractors with the proper equipment/personnel to handle this professional service. These properties contain all or some of the following conditions:

1. Dead annual grasses and weeds
2. Brush
3. Dead, Dying, and Diseased trees
4. Healthy trees that have not been maintained to remove ladder fuels
5. Rubbish

The work to be done shall consist of destroying weeds, wild grass, and poisonous or harmful plants and removing rubbish including but not limited to scrap metals, disassembled parts of automobiles or machinery, furniture, mattresses, tires, concrete, asphalt, bricks or other construction or demolition materials, debris, litter, cardboard, metal cans, glass, cut brush, dead trees, tree limbs and similar materials, garbage, including but not limited to animal matter including feces, fruit or vegetable matter, and trimming trees & brushes designated by the City Representative in accordance with the City of Banning Weed Abatement Standards.

The City's preference is to recycle whenever possible. If any green waste can be reused, please inform the City to see if it will meet the CA SB requirements. Selected Contractors must follow the State and AQMD 2024 rules for gas-powered vehicles and tools. Discovery of hazardous waste, hazardous materials, vehicles, or other large items shall be reported to the City Representative. When a site location is assigned, go to the site location to see if any of these items are present so The City can remove them before starting work.

JUSTIFICATION:

The City is obligated to preserve the public safety and welfare, which includes protection of life and property that may result from brush fires. The Banning Municipal Code (BMC) requires that all vacant lots previously declared a public nuisance and fire hazard be cleared of dangerous weeds and brush before the summer months wherein weather conditions in the City of Banning are hot and windy. These conditions create an immediate threat to public safety if not resolved by the property owner; however, in the case that the property owner is unable, unwilling, or ignores the City's code enforcement process (i.e., Notices of Violations and Administrative Citations) then the City has an obligation to front load public funds to abate the nuisance and then assess the property to ensure reimbursement through the property tax bill. If the property owner fails to pay this special assessment, then the County has the right to initiate a "tax sale" under their procedures.

FISCAL IMPACT:

The last agreement for Weed Abatement Services was authorized in 2019. The City's purchasing policy requires a new RFP each five (5) year interval. The previous weed abatement contractors lacked the resources of a larger commercial landscaper, which resulted in lower overhead costs. The recommended contractors focus on large commercial contracts and public works infrastructure, some even have provided services in the City of Banning. The combination of these facts have resulted in higher costs and therefore, a increased budget amount from the last contract award.

The budget impact will be a maximum of \$120,000, allocated equally across each firm (e.g., \$40,000 for each vendor), detailed as follows:

Integrity Arborist & Ecoscape (\$40,000)
Mariposa Landscapes, Inc. (\$40,000)
CM Landscapes (\$40,000)

Contractors will be paid from expense account: 001-2740-442.23-39

Contract services will only be utilized on an "as-needed" basis and there is no guarantee of work. The City will seek reimbursement by placing the fully burdened costs of weed abatement as a property tax assessment, which is a superior assessment to the actual property tax bill. Even if the property owner pays the County Tax Bill, but not not pay the City's assessment, a tax sale could occur. This assessment is possible with the Council's adoption of Ordinance 1598 which replaces the traditional property lien. An assessment allows the City reimbursement on a 6-month schedule, concurrent with the property tax payments rather than waiting years, or sometimes a decade to obtain reimbursement when a property is sold, transferred or refinanced.

ALTERNATIVES:

The Council may take the following actions as an alternative to staff's recommendation:

- 1) Continue the Agenda Item, along with requesting clarification or providing alternative direction to staff concerning the City's Weed Abatement obligations.
- 2) Consider Rejecting all Bids and provide alternative direction to staff concerning the City's Weed Abatement obligations.
- 3) Approve the Agreements, but in a reduced contractual amount.

ATTACHMENTS:

1. [Resolution 2024-61, Weed Abatement Services.docx](#)
2. [C01016 PSA CM Landscape Weed Abatement Services.docx](#)
3. [C01017 - PSA Integrity Weed Abatement.docx](#)
4. [C01018 - PSA Mariposa Weed Abatement \(AutoRecovered\).docx](#)
5. [Evaluation Tabulation \(6\).docx](#)
6. [CM Landscape Proposal.pdf](#)

7. [Integrity Proposal For SR.pdf](#)

8. [Mariposa Proposal.pdf](#)