

REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org



PUBLIC HEARING
August 12, 2008

**Honorable Mayor and
Members of the City Council**

Title: Code Enforcement Case Fees and Penalties – Findings of Fact for Special Assessment Liens

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** placing liens on the properties in the amount of \$116,641.52 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Dennis Kubo, Program Manager, 808-8577

Presenters: Dennis Kubo, Program Manager

Department: Code Enforcement

Division: Neighborhood Code Compliance

Organization No: 20001111

Description/Analysis

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by placing liens on the properties for which the fees and penalties were imposed pursuant to Chapter 8.04 of the Sacramento City Code.

Policy Considerations: Conducting the lien hearing is in accordance with Sacramento City Code Chapter 8.04. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment delinquency lien hearing.

Code Enforcement activities, including the related lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

Sustainability Considerations: There are no applicable sustainability considerations.

Environmental Considerations: The proposed resolution will not have any adverse environmental impact.

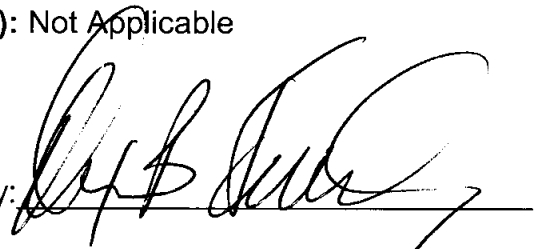
Commission/Committee Action: None

Rationale for Recommendation: Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

Financial Considerations: Lien accruals will be made through County tax collections. The City will also receive partial reimbursement from monies collected by the County based on the "Teeter" legislation agreement with the County. Any money generated from these liens would be included in the approved budget.

Emerging Small Business Development (ESBD): Not Applicable

Respectfully Submitted by:



Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

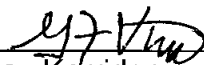
fr 
Ray Kerridge
City Manager

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Attachment 1

Background Information:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Chapter 8.04, and was afforded an opportunity to appear before an appointed third-party Hearing Examiner. Subsequent to the hearing, a “Decision of Hearing Examiner” notice was issued and mailed to the property owner. Included in this notice were findings and the specific fees and penalties. The decision of the Hearing Examiner is final, and judicial review must be conducted in the manner and time frame set forth in California Code of Civil Procedure §1094.6. Sacramento City Code, Section 8.04.430 allows the City Council to order the penalty be made both as a personal obligation and a special assessment against the property.

Each property owner listed on the attachment has received all required notices under Chapter 8.04, and has been afforded both an opportunity to appear for an administrative hearing and a special assessment hearing. Each has received a final decision notice. None of the listed owners has paid the fees and penalties.

We submit this Resolution to the City Council for declaration of a special assessment.

RESOLUTION NO. 2008-

Adopted by the Sacramento City Council

August 12, 2008

**ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND
PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS
FOR CODE ENFORCEMENT CASE FEES AND PENALTIES**

BACKGROUND

- A. The Code Enforcement Department, in accordance with Sacramento City Code, Sections 8.04.370 through 8.04.420, did provide a hearing before the appointed third-party Hearing Examiner to consider all protests for unpaid fees and penalties, if any.
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code Section 8.04.390,; and
- C. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due.
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1: The reasonable penalties in the aggregate amount not to exceed \$116,641.52 for unpaid fees and penalties is the sum set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on May 28, 2008 and June 25, 2008. This amount may be reduced as staff determines necessary.
- Section 2: As provided in Section 38773.5 of the California Government Code, the City of Sacramento is entitled to and hereby attaches special assessment liens upon the described properties upon recordation in the office of the County Recorder of the County of Sacramento.
- Section 3: Such liens shall constitute a special assessment against the properties at which the services were rendered, and shall be collectible at the same time and in the same manner as secured property taxes are

collected, and shall be subject to the same penalties, priorities, and procedures in the case of delinquency.

Section 4: Such lien also constitutes a personal obligation against the owner of the property.

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Exhibit A – List of Properties a lien will be placed upon.

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	000-0061-004-1001	07-038211	3915 82ND ST	SAM LI JOAN PO CHUNG LI	\$931.00	CEDCNU00039	6	0206
2	002-0173-020-0000	07-050839	631 16TH ST	MARGETICH GREGORY F/CATTUZZO MICHAEL A	\$831.00	CEDCNU00130	3	0206
3	004-0066-012-0000	07-034058	281 TIVOLI WY	GARCIA-JETT MERILYN R	\$831.00	CEDCNU00231	3	0206
4	008-0223-008-0000	07-046845	5027 M ST	CENTRAL MORTGAGE COMPANY	\$85.00	CEDCNU00318	3	0206
5	009-0122-026-0000	07-034528	2000 9TH ST	LEACH LANE	\$415.50	CEDCNU00228	4	0206
6	010-0043-001-0000	07-049918	1802 26TH ST	25TH/R PARTNERS LIMITED PARTNERSHIP	\$931.00	CEDCNU00243	4	0206
7	010-0372-009-0000	07-044622	2800 33RD ST	GRIFFIN MARSHA L	\$847.20	CEDCNU00178	5	0206
8	010-0377-004-0000	07-041241	3424 3RD AV	ABDULLAH ABDUL-KABEER/BADRIYYAH A	\$831.00	CEDCNU00286	5	0206
9	010-0377-009-0000	06-021040	3445 4TH AV	DUFF GORDON J AND JAMIE L DUFF	\$875.00	CEDCNU00211	5	0206
10	010-0377-009-0000	06-021040	3445 4TH AV	DUFF GORDON J AND JAMIE L DUFF	\$1,500.00	CEDCEA00021	5	0206
11	010-0384-002-0000	07-040852	3600 2ND AV	RODRIGUEZ JOHN OSCAR/PORFIRIO	\$831.00	CEDCNU00177	5	0206
12	011-0234-004-0000	07-046602	5524 V ST	OSUNA MARY/LINDA MARIE	\$4,684.35	CEDCNU00105	6	0206
13	013-0010-008-0000	07-041394	3500 24TH ST	CALVINE & ELK GROVE FLORIN LLC	\$831.00	NS080133	5	0206
14	013-0153-010-0000	07-042313	3658 BRET HARTE CT	COTTLE DAVID L/MICHAEL J CARROLL	\$844.35	CEDCNU00045	5	0206
15	013-0251-011-0000	07-044329	3648 5TH AV	CANTOR ROBERT A	\$844.35	CEDCNU00295	5	0206
16	013-0341-017-0000	07-041400	3524 7TH AV	HURT DONALD	\$831.00	CEDCNU00198	5	0206
17	014-0114-019-0000	07-040633	2835 SANTA CRUZ WY	MOON KRISTOFER S	\$831.00	CEDCNU00275	5	0206
18	014-0187-011-0000	07-055271	3124 42ND ST	MERITAGE MORTGAGE LOAN TRUST 2005 2	\$1,595.00	CEDCNU00196	5	0206
19	014-0191-020-0000	07-038241	3262 43RD ST	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$1,090.30	CEDCNU00158	5	0206
20	014-0231-006-0000	07-029133	3524 40TH ST	HERNANDEZ IRENE/PAULINE VALENCIA/ETAL	\$2,433.40	CEDCNU00201	5	0206
21	015-0182-041-0000	07-047096	3503 STOCKTON BL	MOSES T PEREZ FAMILY TRUST	\$844.35	CEDCNU00046	5	0206
22	015-0311-029-0000	V060008832	7475 14TH AV	WILLIAM E. HUNTING FAMILY TRUST	\$931.00	CEDCNU00170	6	0206
23	018-0021-014-0000	07-049115	2221 15TH AV	CLARK/JENNIFER KAYLER	\$831.00	CEDCNU00151	5	0206

24	018-0042-008-0000	07-048556	2148 18TH AV	SANTANA FREDDY	\$831.00	CEDCNU00134	5	0206
25	018-0082-007-0000	07-043746	2130 20TH AV	LEVENTON LAWRENCE	\$831.00	CEDCNU00214	5	0206
26	018-0222-016-0000	07-055954	1919 FRUITRIDGE RD	WAL GREEN COMPANY	\$831.00	CEDCNU00284	5	0206
27	020-0061-025-0000	07-032549	4013 36TH ST	SAEPHAN KAO HIN/MEY LEE PHAN	\$2,000.00	CEDCEA00006	5	0206
28	020-0061-025-0000	07-032549	4013 36TH ST	SAEPHAN KAO HIN/MEY LEE PHAN	\$847.20	CEDCNU00030	5	0206
29	020-0131-015-0000	07-045860	3730 16TH AV	NERI-SALGADO ROSENDO	\$101.20	NS080139	5	0206
30	020-0133-001-0000	07-042507	3810 16TH AV	CLARK MARY THELMA/HOLLY D	\$1,971.16	CEDCNU00324	5	0206
31	020-0144-015-0000	07-049502	3944 17TH AV	17TH AVE TRUST	\$534.44	CEDCNU00303	5	0206
32	021-0023-052-0000	07-049276	4921 SAN FRANCISCO BL	COMM SYS PROF SHAR PLAN/ETAL	\$831.00	CEDCNU00132	5	0206
33	021-0033-029-0000	07-046255	5431 SAN FRANCISCO BL	SOARES PAULINE	\$831.00	CEDCNU00118	5	0206
34	021-0077-003-0000	08-000872	6540 NIELSEN WY	BANK OF NEW YORK	\$831.00	CEDCNU00263	6	0206
35	021-0111-019-0000	07-046352	4277 STOCKTON BL	MARTIN KEITH G/MARY E	\$985.53	CEDCNU00036	5	0206
36	021-0282-001-0000	06-011038	4500 53RD ST	RIEDY RYAN E/FE P ASTRERO/KRISTOFER S MOON	\$875.00	CEDCNU00260	5	0206
37	021-0324-001-0000	07-046008	4500 67TH ST	PEREZ JUAN ESPINOZA	\$931.00	CEDCNU00280	6	0206
38	021-0334-014-0000	07-031580	4601 69TH ST	PONTLIANA NICHOLAS WILLIAM III	\$831.20	CEDCNU00026	6	0206
39	023-0174-004-0000	07-049426	7140 25TH AV	AURORA LOAN SERVICES LLC	\$831.00	CEDCNU00150	6	0206
40	023-0224-002-0000	07-044483	5400 58TH ST	MORAN CARLOS	\$919.35	CEDCNU00050	5	0206
41	023-0251-039-0000	07-041628	5400 64TH ST	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$831.00	CEDCNU00266	6	0206
42	023-0263-020-0000	07-048571	5521 70TH ST	HSBC BANK USA	\$831.00	CEDCNU00141	6	0206
43	025-0083-007-0000	07-031140	2830 FRUITRIDGE RD	TRAN TRACY	\$788.35	CEDCNU00075	5	0206
44	025-0163-012-0000	07-050875	2771 35TH AV	ROBINSON HUGH	\$847.20	CEDCNU00135	5	0206
45	027-0232-008-0000	07-055444	5862 BELLEVIEW AV	U S BANK NATIONAL ASSOCIATION	\$831.00	CEDCNU00265	6	0206
46	027-0251-005-0000	07-030694	7720 35TH AV	WELLS FARGO BANK	\$1,031.00	CEDCNU00252	6	0206
47	027-0251-005-0000	07-030694	7720 35TH AV	WELLS FARGO BANK	\$2,000.00	CEDCEA00024	6	0206

48	035-0154-017-0000	07-045790	6520 HOGAN DR	MAGANA RAUL	\$844.35	CEDCNU00059	5	0206
49	035-0285-001-0000	07-039154	2360 57TH AV	WOODS WILLA B	\$831.00	CEDCNU00108	5	0206
50	035-0323-009-0000	07-051525	2105 60TH AV	SARAIVA CARLOS A	\$831.00	CEDCNU00285	5	0206
51	036-0041-022-0000	07-050445	2410 43RD AV	POWERS G KEVIN	\$85.00	CEDCNU00144	5	0206
52	040-0260-082-0000	07-032515	17 CAINA CT	CHOW BO CHUNG	\$931.00	CEDCNU00181	6	0206
53	040-0260-082-0000	07-052052	17 CAINA CT	CHOW BO CHUNG	\$831.00	CEDCNU00210	6	0206
54	048-0042-010-0000	07-038783	7486 CANDLEWOOD WY	DAVID A. WASHINGTON	\$1,353.00	CEDCNU00145	8	0206
55	048-0105-006-0000	07-053231	7490 21ST ST	MOHAMMADI SONA/AHMAD WALI	\$474.20	CEDCGR00004	8	0206
56	048-0181-005-0000	07-033743	7534 SKELTON WY	BANK OF NEW YORK	\$4,507.00	CEDCNU00269	8	0206
57	048-0181-005-0000	07-033743	7534 SKELTON WY	BANK OF NEW YORK	\$2,000.00	CEDCEA00027	8	0206
58	048-0197-006-0000	07-055660	7593 TAMOSHANTER WY	U S BANK NATIONAL ASSOCIATION	\$831.00	CEDCNU00279	8	0206
59	048-0241-001-0000	07-050154	2101 O'NEIL WAY	SULAIMON ADEBAYO	\$458.00	CEDCGR00003	8	0206
60	052-0112-001-0000	07-053995	1500 FERRAN AV	MEDEIROS JR JAMES W.	\$85.00	CEDCNU00163	8	0206
61	052-0170-014-0000	07-043156	7751 LYTLE ST	JONES GERALD B	\$98.35	CEDCNU00317	8	0206
62	052-0250-004-0000	07-043976	2305 EXPEDITION WY	HSBC BANK USA	\$1,267.00	CEDCNU00002	8	0206
63	053-0062-014-0000	07-053241	7734 DETROIT BLVD	PULIDO CECILIA/ANTONIO RODRIGUEZ	\$1,003.65	CEDCNU00253	8	0206
64	061-0053-001-0000	C/V9905197	7916 BUTTE AV	JOEL T. RODRIGUEZ	\$875.00	CEDCNU00182	6	0206
65	061-0053-002-0000	C/V9905195	7922 BUTTE AV	JOEL T RODRIGUEZ	\$875.00	CEDCNU00183	6	0206
66	062-0020-020-0000	Z040011527	8596 UNSWORTH AV	TAYLOR WILLIAM EDWARD/TR	\$888.35	CEDCNU00259	6	0206
67	078-0101-033-0000	07-036415	2760 HONEYSUCKLE WY	BANK OF NEW YORK	\$931.00	CEDCNU00312	6	0206
68	117-0531-040-0000	07-041545	34 MILPITAS CR	MICHAEL ALLEN PATTILLO	\$500.00	CEDCEA00020	7	0206
69	117-1070-016-0000	07-036384	8615 CULPEPPER DR	CHAIDEZ ONESIMO M/OTILIA M L	\$85.00	CEDCNU00251	8	0206
70	118-0033-038-0000	06-021234	7748 QUINBY WY	GARCIA JOHN V/JUAN R/MARIA	\$4,087.70	CEDCNU00056	8	0206
71	119-0260-044-0000	06-020837	31 ICARUS CT	LASALLE BANK NATIONAL ASSOCIATION	\$875.00	CEDCNU00218	8	0206

72	119-0260-051-0000	07-040530	4160 ARCHEAN WY	HSBC MORTGAGE SERVICES INC	\$1,982.40	CEDCNU00249	8	0206
73	201-0300-095-0000	07-041265	W ELKHORN BL	NATOMAS CREEK LLC, C/O DR	\$2,579.44	CEDCNU00192	1	0206
74	201-0770-045-0000	07-050435	1811 ZURLO WY	CREDO MARK F	\$931.00	CEDCNU00162	1	0206
75	225-0670-025-0000	07-044385	1100 PREGO WY	WYATT ESTELLA	\$844.35	CEDCNU00065	1	0206
76	225-0711-016-0000	07-045552	3155 RANCHO SILVA DR	FEDERAL NATL MTG ASSOCIATION	\$831.00	CEDCNU00202	1	0206
77	226-0101-052-0000	07-038627	5209 RIO LINDA BL	SANDRA HANNUM	\$847.20	CEDCNU00023	2	0206
78	226-0321-058-0000	07-046986	15 SMOKEY LEAF CT	GARCIA LAURIE	\$844.35	CEDCNU00067	2	0206
79	237-0022-008-0000	07-048846	220 MAIN AV	DEUTSCHE BANK NATIONAL TRUST	\$2,107.60	CEDCNU00189	1	0206
80	237-0052-005-0000	07-031337	1136 MAIN AV	ORNELAS JIM/ANNA	\$931.00	CEDCNU00287	2	0206
81	237-0120-025-0000	07-048244	641 NARUTH WY	AVELO MORTGAGE LLC	\$831.00	CEDCNU00226	2	0206
82	237-0130-050-0000	C040005094	803 BLAINE AV	KUMAR/RAVENDRA K PRASAD	\$826.20	CEDCNU00193	2	0206
83	237-0180-018-0000	08-002062	4161 TAYLOR ST	KHAN ENVER A	\$831.00	CEDCNU00310	2	0206
84	237-0434-018-0000	07-050015	5 CASEY CT	CUPA DELFINA HUATO/APOLINAR SOLORIO	\$844.35	CEDCNU00071	2	0206
85	237-0443-059-0000	07-033567	155 MANITOU ST	YUPONCE ROSALIE E/GLEN S	\$844.35	CEDCNU00063	2	0206
86	238-0044-005-0000	06-018030	4433 DAYTON ST	OLEG BYCHKOV	\$1,075.00	CEDCNU00200	2	0206
87	238-0044-005-0000	06-018030	4433 DAYTON ST	OLEG BYCHKOV	\$2,000.00	CEDCEA00018	2	0206
88	250-0091-003-0000	07-051071	608 GRAND AV	DOW MARY D	\$831.00	CEDCNU00161	2	0206
89	250-0260-014-0000	07-055147	760 CARROLL AV	SHERYLS LLC	\$831.00	CEDCNU00311	2	0206
90	250-0390-029-0000	07-048218	810 TURNSTONE DR	WASHINGTON MUTUAL BANK	\$565.00	CEDCNU00115	1	0206
91	251-0159-004-0000	07-044033	804 ALMORA AV	ROGERS SONJA L/STAR TINGLE	\$847.20	CEDCNU00133	2	0206
92	251-0163-010-0000	07-045089	1204 SOUTH AV	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$931.00	CEDCNU00288	2	0206
93	252-0064-008-0000	07-050777	3817 LILY ST	EMILIA E/SHANNON PAPINEAU GALINDO	\$831.00	CEDCNU00167	2	0206
94	252-0134-003-0000	07-029747	2136 GRAND AV	TERRY ALAN/DEBORA R/ PHYLLIS/RAYMOND J	\$831.00	CEDCNU00220	2	0206
95	252-0241-015-0000	07-046306	3601 DEL PASO BL	OKEKE MATHEW	\$831.00	CEDCNU00114	3	0206

96	263-0052-007-0000	07-034029	84 ARCADE BL	BALDERAS ANA L	\$85.00	CEDCNU00258	2	0206
97	263-0141-013-0000	07-054184	2769 OAKMONT ST	FEDERAL NATIONAL MORTGAGE ASSOCIATION CO/RECONTRUST COMPANY	\$831.00	CEDCNU00305	2	0206
98	263-0171-007-0000	07-046999	666 ELEANOR AV	DLJ MORTGAGE CAPITAL INC	\$844.35	CEDCNU00051	2	0206
99	263-0222-016-0000	07-048487	281 EL CAMINO AV	PRASAD MUNITA A/ROHIT V	\$1,581.00	CEDCNU00261	2	0206
100	263-0222-016-0000	07-048487	281 EL CAMINO AV	PRASAD MUNITA A/ROHIT V	\$2,500.00	CEDECA00026	2	0206
101	265-0161-004-0000	07-052730	2827 RIO LINDA BL	DIKE ANGELINA C	\$831.00	CEDCNU00245	2	0206
102	265-0261-031-0000	07-040134	1078 GLENROSE AV	JP MORGAN CHASE BK C/O BARCLAYS CAPITAL REAL ESTATE INC DBA HOMEQ SERVICING	\$931.00	CEDCNU00309	2	0206
103	265-0261-031-0000	07-040134	1078 GLENROSE AV	JP MORGAN CHASE BK C/O BARCLAYS CAPITAL REAL ESTATE INC DBA HOMEQ SERVICING	\$1,500.00	CEDECA00031	2	0206
104	266-0311-042-0000	06-024635	2674 PRINCETON ST	LOMBARD MICHAEL/ANGIE LOMBARD	\$875.00	CEDCNU00283	3	0206
105	274-0660-008-0000	07-050487	11 RIVULET CT	KWONG BYRON J/JESSE J/SUSY	\$98.35	CEDCNU00069	1	0206
106	275-0053-007-0000	07-044836	760 DARINA AV	CUNNINGHAM PETER H/MARCEIL C	\$831.00	CEDCNU00244	2	0206
107	275-0101-012-0000	07-050526	645 CALVADOS AV	CATER MARY T	\$931.00	CEDCNU00179	2	0206
108	277-0072-006-0000	07-039699	2359 ERICKSON ST	ALEXANDER DAVID H	\$831.00	CEDCNU00216	2	0206
109	277-0131-012-0000	07-054366	2258 EMPRESS ST	RAMIREZ TRST C/O FRANCISCO C/KAREN D RAMIREZ	\$85.00	CEDCNU00224	2	0206
110	277-0182-017-0000	07-045112	2222 ROCKBRIDGE RD	RABER CHARLES R	\$831.00	CEDCNU00109	3	0206
111	062-0020-020-0000	Z040011527	8596 UNSWORTH AV	TAYLOR WILLIAM EDWARD/TR	\$2,499.00	CEDECA00025	6	0206
112	062-0020-020-0000	Z040011527	8596 UNSWORTH AV	TAYLOR WILLIAM EDWARD/TR	\$888.35	CEDCNU00259	6	0206
				TOTAL:	\$116,641.52			