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APPROVED
BY THE CITY COUNCIL

JUL 21 1998

OFFICE OF THE
CITY CLERK

CITY HALL
ROOM 104
915 I STREET
SACRAMENTO, CA
95814-2696

REVENUE
ADMINISTRATION
916-264-5724

DEPARTMENT OF
FINANCE
REVENUE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

June 30, 1998
RA98053:MLF:ldm

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE PROPERTIES TO WHICH THE COSTS ARE RELATED

LOCATION AND COUNCIL DISTRICT: City-wide

STAFF RECOMMENDATION

It is recommended the City Council:

1. Open a public hearing to confirm, reject or modify the delinquency lien hearing reports.
2. Close the public hearing, confirm the unpaid costs and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties as follows:
 - a. Adopt the attached resolution placing liens on the properties for unpaid **Utility Services** charges;
 - b. Adopt the attached resolution placing liens on the properties for unpaid costs of **Weed Abatement** performed;
 - c. Adopt the attached resolution placing liens on the properties for unpaid costs of **Sidewalk Repairs** performed; and

CONTACT PERSONS:

Bill Spencer, Enforcement & Collections Supervisor, 264-5527
Carole Laurenty, Revenue Supervisor, 264-5856
Kimberly Wilson, Revenue Supervisor, 264-7517
Barry Bates, Street Division Manager, 433-6336
Gary Atchley, Weed Abatement Officer, 264-7027
Margaret L. Freeman, Revenue Manager, 264-5724

FOR COUNCIL MEETING OF

July 21, 1998

SUMMARY

This report provides the City Council with staff recommendations for protests received regarding property liens for unpaid costs related to properties. For the three types of unpaid costs listed above, an individual notice describing the protest hearing process was provided to each affected property owner. This public hearing is for City Council to confirm special assessment liens against the properties.

COMMITTEE/COMMISSION ACTION

None.

BACKGROUND INFORMATION

On May 7, 1996 City Council enacted changes to City Code related to special assessments for unpaid utility services charges, unpaid weed abatement fees and unpaid sidewalk repair fees. Ordinance No. 96-020, amending City Code Title 64, Title 38, and Chapter 50.09, enacted an administrative appeal process for all property owner protests to special assessment liens against the properties for unpaid costs.

All property owners were noticed of the FY 1997/98 unpaid and/or delinquent costs, provided an opportunity to resolve the issue with City staff, and were provided an opportunity for a hearing before a Delinquency Lien Hearing Officer if they so requested. Attachment 1 is a summary listing, by type, of the number and total amount of unpaid costs, the number of protests received, and the number of hearings held before the Delinquency Lien Hearing Officer.

Attachments 2 through 4 are listings, by type, of each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing held are included.

FINANCIAL CONSIDERATIONS

Delinquency Lien Hearing Officers were paid \$50 an hour. There were 4 hearings held that required 4 hours for a total cost of \$200.

City staff time was required for scheduling the hearings, the notices to property owners, and the final noticing for hearings held. All the costs are included in the Revenue Division budget and no additional funding is requested or required.

ENVIRONMENTAL CONSIDERATIONS

Council action in adopting these resolutions is exempt from the California Environmental Quality Act (CEQA) because it will have no conceivable effect on the physical environment.

POLICY CONSIDERATIONS

The adoption of Ordinance No. 96-020 met City Council's request for a less time consuming or more efficient method for hearing protests to delinquent charges special assessment liens. The changes to City Code have established an administrative appeal process that provides an opportunity for a hearing before an independent hearing officer. That administrative appeal process has been utilized for the special assessments resolutions submitted. The results of the administrative appeal process and the findings of the hearing officer are presented to City Council as part of the process for confirmation of the special assessments.

State law requires the City Council to confirm the special assessments after a public hearing, so there is still opportunity for the property owner to address City Council. Should any property owner object to the special assessment, the public hearing shall be limited to the issue of whether the hearing before the delinquency lien hearing officer was conducted in accordance with applicable City ordinances. City Council does not have any legal obligation to hear the objections of any property owner who did not request a hearing and thus waived his/her right to a hearing.

MBE/WBE EFFORTS

There is no requirement for purchase of goods or services associated with this item.

Respectfully submitted,

Margaret L. Freeman

Margaret L. Freeman
Revenue Manager

RECOMMENDATION APPROVED:

Patty Masuoka

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WILLIAM H. EDGAR, City Manager

Attachments

**CITY OF SACRAMENTO
 FY 1996/97 ANNUAL LIEN PROCESS/SPECIAL ASSESSMENTS**

Unpaid Costs For	# of Lien Notices Mailed	Total Amt Due All Notices	# of Protests Received	# of Protests to Pymt Plans	# of Protests Waived	# of Protests Amount Decreased	# of Hearings Held	Total Liens
Utility Services Charges	9,012	\$6,384,365	29	0	2	2	3	\$5,492,178.42 5
Weed Abatement	532	\$76,974	12	0	0	0	0	\$70,849.94
Sidewalk Repairs	52	\$38,763	1	0	0	0	1	\$24,604.36 8

Revenue Division/Department of Administrative Services

Protested Delinquent Utility Services Charges

Name	Property Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing Status
Baldwin Family Trust	1817 Bridgecreek Dr	225-0570-083-0000	\$491.32	1	Fees found due	No hearing requested by property owner
Benvenuti, Joseph	53 Morrison Ave	250-0351-016-0000	\$14,737.07	2	Fees found due	No hearing requested by property owner
Burgos, Yanira	102 Arcade Blvd	263-0055-001-0000	\$937.80	2	Fees found due	No hearing requested by property owner
Combe, Cesar	7464 Spicewood Dr	031-1040-016-0000	\$932.12	7	Fees found due	No hearing requested by property owner
Comiaco, Margaret	7520 Franklin Blvd	049-0304-012-0002	\$304.70	8	Account paid in full	No hearing requested by property owner
Crawford, Mattie	864 Maplegrove Way	250-0410-086-0000	\$202.03	1	Fees found due	No hearing requested by property owner
Czerwinsky, Peter & Czerwinsky, Barbara	2518 Thelma Ave	225-0285-013-0000	\$515.36	1	Fees found due	No hearing requested by property owner
Dinkel, Peter	1048 Jean Ave	237-0215-003-0000	\$408.00	2	Remove from lien list	No hearing requested by property owner
Dow, Dorothy c/o Luke Conley	621 51st St	004-0314-020-0000	\$437.54	3	Fees found due	Hearing officer found fees due
Farmer, Martha	3201 B St	003-0062-011-0000	\$308.85	3	Fees found due	No hearing requested by property owner
Floyd, Britton	7797 Laramore Way	053-0134-002-0000	\$937.79	8	Fees found due	No hearing requested by property owner
Helm Bernard/ Lee, Sandra E.	420 45th St	004-0251-004-0000	\$584.51	3	Fees found due	Hearing officer found fees due
Irving, Ross	3728-32 Lily St	252-0122-025-0000	\$3,520.67	2	Fees found due	No hearing requested by property owner
Kenon, Cochuita Estate of c/o Kenon, Adah	7018 33rd St	035-0283-004-0000	\$859.63	8	Remove from lien list	No hearing requested by property owner
Lim, Kue Jung	3621 Broadway	013-0151-005-0000	\$2,030.05	5	Account paid in full	No hearing requested by property owner
Martinez, Kathleen	3962 Downey Way	014-0023-003-0000	\$113.88	5	Fees found due	No hearing requested by property owner
Martinez, Kathleen	3962 HF Downey Way	014-0023-002-0000	\$340.10	5	Fees found due	No hearing requested by property owner
Martinez, Kristina	3435 Stockton Blvd	015-0181-043-0000	\$803.64	5	Fees found due	No hearing requested by property owner
Matoslovich, Mike	923 K St	006-0101-023-0000	\$974.62	3	Fees found due	No hearing requested by property owner
Ockowski, Edward	1200 8th Ave	012-0341-008-0000	\$218.87	4	Account paid in full	No hearing requested by property owner
Richardson, Gerry	2903 Weise Way	225-0980-065-0000	\$577.66	1	Fees found due	No hearing requested by property owner
Singh, Shivinder	6991 Diegler Cr	035-0253-003-0000	\$859.65	8	Fees found due	No hearing requested by property owner
Thomas, Rita	3170 Bredehoft Way	263-0334-002-0000	\$937.79	2	Fees found due	No hearing requested by property owner
Williams, Joella	3901 1st Ave	014-0072-036-0000	\$ 629.51	5	Fees found due	Hearing officer found fees due
Wymore, Donald & Wymore, Esmeralda	335 Dubois Ave	237-0284-003-0000	\$736.67	2	Fees found due	No hearing requested by property owner
Wymore, Donald & Wymore, Esmeralda	341 Dubois Ave	237-0284-002-0000	\$736.67	2	Fees found due	No hearing requested by property owner
Wymore, Donald & Wymore, Esmeralda	347 Dubois Ave	237-0284-001-0000	\$736.67	2	Fees found due	No hearing requested by property owner
Wymore, Donald & Wymore, Esmeralda	348 Dubois Ave	237-0285-022-0000	\$867.71	2	Fees found due	No hearing requested by property owner
Wymore, Donald & Wymore, Esmeralda	329 Jessie Ave	237-0276-004-0000	\$937.79	2	Fees found due	No hearing requested by property owner

Disputed Delinquent Weed Abatement Fees

Name	Property Address	Parcel Number	Amount Due	Council District	Staff's Findings	Hearing Status
Stan Bowers	3114 Martin L. King Bl	013-0302-019-0000	95.00	5	Fees Due	No Hearing requested by property owner
Stan Bowers	3114 Martin L. King Bl	013-0302-020-0000	95.00	5	Fees Due	No Hearing requested by property owner
Allen Lucke	5920 71st Street	027-0311-002-0000	127.00	6	Fees Due	No Hearing requested by property owner
Lam Truck/Hoa Le	5900 71st Street	027-0311-011-0000	105.00	6	Fees Due	No Hearing requested by property owner
A & A Properties	7405 Greenhaven Dr	031-0051-017-0000	127.00	7	Fees Due	No Hearing requested by property owner
Margaret Sutton	2627 Hing Avenue	041-0041-010-0000	125.00	5	Fees Due	No Hearing requested by property owner
Harms Bros.	Pell Drive	237-0031-032-0000	105.00	2	Fees Due	No Hearing requested by property owner
Joseph/Nancy Benvenuti	121 Morrison Avenue	250-0025-005-0000	105.00	2	Fees Due	No Hearing requested by property owner
Joseph/Nancy Benvenuti	Opportunity Street	250-0025-057-0000	169.00	2	Fees Due	No Hearing requested by property owner
Joseph/Nancy Benvenuti	Opportunity Street	250-0025-058-0000	105.00	2	Fees Due	No Hearing requested by property owner
Joseph/Nancy Benvenuti	Opportunity Street	250-0025-059-0000	349.00	2	Fees Due	No Hearing requested by property owner
Trust No 1895-0	Opportunity Street	250-0025-060-0000	169.00	2	Fees Due	No Hearing requested by property owner

PROTESTED DELINQUENT SIDEWALK REPAIR COSTS

Name	Property Address	Parcel Number	Amount Due	Council District	Hearing Status
PFINGST, Vicki M.	5328 - 21st Avenue	023-0024-010-0000	926.51	5	Hearing officer found fees due

RESOLUTION NO. 98-368

ADOPTED BY THE SACRAMENTO CITY COUNCIL

APPROVED
BY THE CITY COUNCIL
JUL 21 1998
OFFICE OF THE
CITY CLERK

ON DATE OF _____

**RESOLUTION DECLARING DELINQUENT WATER, SEWER,
REGIONAL SEWER, GARBAGE, GARDEN REFUSE, AND
STORM DRAINAGE SERVICE FEES LIENS ON PROPERTIES
TO WHICH SUCH SERVICES WERE FURNISHED.**

WHEREAS, pursuant to the provisions of the Sacramento City Code, the owners of the real properties described in Exhibit A, on file in the City Clerk's Office, have been notified that water, sewer, regional sewer, garbage, garden refuse, and storm drainage services furnished to said properties were unpaid for a period of 60 days and that subsequent proceedings would be taken by the Council to make the charges liens on the real properties if said charges were not paid; and

WHEREAS, pursuant to the Sacramento City Code, notices were mailed to the owners of said properties informing them of the opportunity to protest the placing of unpaid utility service fees provided to the real property as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer; and

WHEREAS, City Council held a hearing upon those findings.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That all of the protests have been considered and have been rejected, revised, or confirmed.
2. That the charges set forth in Exhibit A for the furnishing of water, sewer, regional sewer, garbage, garden refuse and storm drainage service, to the real properties described in said Exhibit A are owing and delinquent.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. That the City Council, in accordance with the provisions of the Sacramento City Code, is entitled to and hereby attaches a lien upon the real properties described in said Exhibit A in the amount set forth opposite each parcel of property.
4. That 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.
5. That the City Clerk shall file a certified copy of the confirmed report with the Sacramento County Auditor/Controller for collection of said liens as hereinabove provided.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT A

LIEN LIST: ON FILE IN THE CITY CLERK'S OFFICE

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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RESOLUTION NO. 98-369

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL
JUL 21 1998
OFFICE OF THE
CITY CLERK

RESOLUTION DETERMINING THE REASONABLE COSTS FOR WEED ABATEMENT WORK FOR 1997 AS SHOWN ON LISTS PREVIOUSLY SUBMITTED IN ACCORDANCE WITH CHAPTER 13, SECTION 39500 ET SEQ OF THE CALIFORNIA GOVERNMENT CODE AND PLACING LIENS ON THE PROPERTIES BY THE CITY FOR THE COSTS THEREOF

WHEREAS, in accordance with Sacramento City Code, Title 61, each property owner has been noticed and informed of the opportunity to protest the placing of unpaid weed abatement fees upon the described real properties as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer, and

WHEREAS, the City Council held a hearing upon those findings and it was established by competent evidence that in each case the work had been performed by private contractor; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That the reasonable costs in the aggregate amount of \$70,849.94 for 490 properties for unpaid weed abatement for 1997 is the sum set forth in aforementioned lists.
2. That, as provided in Section 39577 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. That 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.
4. That the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT A

LIEN LIST: ON FILE IN THE CITY CLERK'S OFFICE

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RESOLUTION NO. 98-310

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL
JUL 21 1998
OFFICE OF THE
CITY CLERK

RESOLUTION DETERMINING THE REASONABLE COSTS FOR SIDEWALK REPAIR WORK PERFORMED AS SHOWN ON EXHIBIT A AND PLACING LIENS ON THE PROPERTIES FOR THE COSTS THEREOF

WHEREAS, in accordance with Sacramento City Code, Title 38, each property owner has been noticed and informed of the opportunity to protest the placing of unpaid costs of sidewalk repair work performed upon the described real properties as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer; and

WHEREAS, the City Council held a hearing upon those findings and it was established by competent evidence that in each case the work had been performed; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost and the hearing closed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That the reasonable costs in the aggregate amount of \$24,604.36 for unpaid sidewalk repair work performed is the sum set forth on Exhibit A hereby incorporated into this resolution.
2. That, as provided in Section 39577 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. That 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.
4. That the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

DELINQUENT SIDEWALK REPAIR COSTS

Name	Property Address	Parcel Number	Council District	Amount
ADARGASON, Trina A.	269 Redwood Avenue	275-0021-018-0000	2	\$1,378.50
AMARO, Delores	3200 D Street	003-0164-003-0000	3	176.60
ARRIBA, Fred A. & June M.	3414 - 33rd Street	013-0332-015-0000	5	555.70
CAMPOS, Herman & Brenda	1065 Silver Lake Drive	029-0480-035-0000	4	70.44
COLLINS, Manuel L.	3328 - 33rd Street	013-0284-014-0000	5	1,001.10
CRUZ, Sally P.	2001 D Street	003-0075-022-0000	3	1,680.61
CUTE, Ernestine	2245 - 12th Avenue	013-0196-016-0000	5	550.00
DEL TORO, Salvador	3617 - 33rd Street	013-0392-015-0000	5	570.20
GIN, Bow Shang	4604 Franklin Boulevard	019-0102-004-0000	5	1,420.15
GLENN, Sarah	3137 - 33rd Street	013-0292-056-0000	5	976.04
GRILHO, Ronnie & Stacey	3427 - 33rd Street	013-0342-003-0000	5	591.36
HENRIQUES, James	740 - 35th St	004-0272-013-0000	3	1,259.64
HILLEBRECHT, Sally R.	3582 - 63rd Street	015-0231-004-0000	6	624.45
HILL, Eddie L. & Patricia D.	3440 - 33rd Street	013-0332-017-0000	5	622.88
JONES, Harrold Preston	3233 - 11th Avenue	013-0384-020-0000	5	320.45
JONES, Harrold Preston	3232 - 11th Avenue	013-0385-006-0000	5	579.65
MAMOLA, Robert M. & Deirore	5852 N Street	008-0303-010-0000	3	459.96
MARTINEZ, Donald R. & Olga	1254 Greenlea Avenue	225-0295-001-0000	1	357.64
MCCUNE, Karl	3600 - 33rd Street	013-0385-010-0000	5	823.44
MCKEEFRY, Corinne	7713 Quinby Way	118-0032-024-0000	8	440.09

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DELINQUENT SIDEWALK REPAIR COSTS

Name	Property Address	Parcel Number	Council District	Amount
MILLER, Vivian S.	920 - 43rd Street	008-0091-005-0000	3	1,421.31
MOURAS JR., Belton	5048 - 9th Avenue	015-0191-008-0000	5	\$708.35
MURRY II, Gene H.	Temple Avenue	020-0052-011-0000	5	358.50
MURRY II, Gene H.	Temple Avenue	020-0052-012-0000	5	358.50
OLSON, Linda M.	6649 Lake Park Drive	029-0275-004-0000	4	556.09
PFINGST, Vicki M.	5328 - 21st Avenue	023-0024-010-0000	5	926.51
PHIPPS, James E. & Debra R.	1670 Armington Avenue	052-0113-044-0000	8	938.90
RENSTROM, Michael K.	4119 Fruita Court	237-0282-028-0000	2	521.12
RINELLA, Eleanor	3334 J Street	007-0131-005-0000	3	399.14
SCHMIDT, Helen M., Revocable Living Trust	708 San Antonio Way	004-0285-012-0000	3	150.56
STERNE, Vincent E.	2710 Q Street	007-0342-005-0000	3	991.99
TATE, Opreina W.	2279 John Still Drive	052-0104-016-0000	8	459.59
TERK SR., Richard John	3201 - 33rd Street/3310-7th Avenue	013-0341-003-0000	5	417.04
TERK SR., Richard John	3201 - 33rd Street	013-0341-003-0000	5	500.50
TOPPING, Frank Lee	3615 - 33rd Street	013-0392-016-0000	5	366.67
WARTSON, Josephus & Ruth Ann	2381 John Still Drive	053-0111-011-0000	8	515.09
WILLIAMS, Czyna	2654 Franklin Boulevard	010-0293-007-0000	5	<u>555.60</u>
				<u>\$24,604.36</u>

8/