



REPORT TO COUNCIL

City of Sacramento

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

Public Hearing
July 21, 2009

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

**Title: Delinquent Charges – Special Assessment Liens for Sidewalk Repair on
Private Property and Related Costs**

Location/Council District: All

Recommendation: Conduct a public hearing and upon conclusion, adopt a **Resolution**, placing special assessment liens on the listed properties for unpaid sidewalk repairs.

Contact: Brad Wasson, Revenue Manager, 808-5844

Presenters: Brad Wasson, Revenue Manager, 808-5844

Department: Department of Finance

Division: Revenue Division

Organization No: 1121

Description/Analysis

Issue: City Code Section 12.32.290 states that the Director of Finance may initiate proceedings to make the cost of sidewalk repairs or reconstruction performed by the city a special assessment against the parcels of property fronting on the repaired sidewalks. This public hearing is for the City Council to confirm, reject or modify the delinquency lien reports and to confirm special assessment liens against properties with unpaid charges. This is the final step the City takes before placing liens on the property with the Sacramento County Auditor/Controller.

Policy Considerations: City property owners have received notice and the opportunity to protest these charges, including a hearing with a Delinquency Lien Hearing Officer (Attachment 1). State law and/or the City Code require the City Council to confirm these special assessment liens after a public hearing, thus providing property owners with an opportunity to address the City Council. Should any property owner object to the special assessment, the public hearing

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 21, 2009

shall be limited to the issue of whether or not the hearing before the delinquency lien hearing officer was conducted in accordance with applicable City ordinances. The 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 protest.

Environmental Considerations: Pursuant to Section 15378 (b) (5) of the California Environmental Quality Act (CEQA) guidelines (administrative activities that will not result in environmental impact), this is not a project under CEQA.

Rationale for Recommendation: These special assessments are for services the City has already provided to the property owners. The property owners were given ample opportunity to repair sidewalk damages, but did not do so. Consequently, the City has paid for these services and needs to recover the costs incurred.

Financial Considerations: The unpaid costs incurred by the City for sidewalk repair services are as follows:

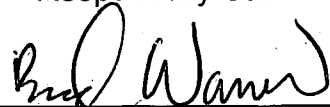
Sidewalk Repairs \$132,269.71

A Delinquency Lien Hearing Officer was paid \$50 an hour. There were 4 sidewalk repair hearings which required a total of 1.5 hours for a total cost of \$75.

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

Emerging Small Business Development (ESBD): There is no requirement for purchase of goods or services associated with this item.

Respectfully Submitted by:



Brad Wasson, Revenue Manager

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Approved by: 
Leyne Milstein, Director of Finance

Recommendation Approved:

bon 
Ray Kerridge, City Manager

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Attachment 1

Background

The City has been utilizing a Delinquency Lien Hearing Officer to hear protests of special assessment liens for delinquent charges since 1996. The delinquent charges owing, and the properties to which such charges apply, are set forth in Exhibit A to the Resolution (Attachment 4) attached to the report. As required under applicable provisions of the City Code and/or State law, all property owners were notified of the unpaid and/or delinquent costs, were given an opportunity to resolve the issue with City staff, and were given an opportunity for a hearing before a Delinquency Lien Hearing Officer if they so requested. Attachment 2 is a summary listing 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. Attachment 3 lists each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing are also included.

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Attachment 2

City of Sacramento

FY 2008/2009 Annual Special Assessments and Lien Summary

Unpaid costs for delinquent:	No. of Lien Notices Mailed	Total Amount Due All Notices	No. of Accounts Paid	No. of Protests Received	No. of Protests to Payment Plans	No. of Protests Removed from Lien	No. of Protests Fees Reduced	No. of Hearings Held	Total Amount Due
Sidewalk Repairs	137	\$200,613.48	44	6	2	3	2	4	\$132,269.71

2008/2009 Annual Special Assessment Lien Protests & Hearings

Name	Sidewalk Repair Location	Assessor Parcel Number	Council District	Protest Disposition	Hearing Disposition	Amount
Bashiri, Ashkan	2319 P Street	007-0256-020-0000	3	Fees Upheld	Rescheduled	\$2,413.50
Lanasa, Nancy	1066 Perkins Way	012-0271-017-0000	4	Fees Upheld	Fees Reduced	\$687.44
Pompa, Marc	1840 41 st Street	011-0031-008-0000	6	Fees Upheld	Fees Waived	\$959.85
Morthole, Gilbert	2613 Northglen St	262-0241-005-0000	1	Fees Upheld	Fees Reduced	\$759.29
Singh, Kaus	1625 28 th Street	007-0343-022-0000	3	Fees Upheld	Fees Upheld	\$1,163.75
Elvrum, Linda	1516 Santa Ynez	007-0301-009-0000	3	Fees Upheld	N/A	\$483.68

RESOLUTION NO.

Adopted by the Sacramento City Council

**DETERMINING THE REASONABLE COSTS FOR SIDEWALK REPAIR WORK AND
PLACING LIENS ON THE PROPERTIES FOR THE COSTS THEREOF**

BACKGROUND

- A. In accordance with Sacramento City Code, Title 12, the owners of the real properties described in Exhibit A, have 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.
- B. Each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer.
- C. The City Council held a hearing on this day upon the Hearing Officer's findings and it was established by competent evidence that in each case the work had been performed.
- D. The City Council has found the total cost for such work to be reasonable and closed the public hearing.
- E. The City Council is fully advised in this matter.

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

- Section 1. The City Council finds and determines that the Background Statements A through E are true and correct.
- Section 2. That all of the protests have been considered and have been rejected, revised, or confirmed.
- Section 3. The reasonable cost for unpaid sidewalk repair work performed shall not exceed \$132,269.71 as set forth in Exhibit A. This amount may be reduced as staff determines necessary.

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 21, 2009

- Section 4. 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 therein for each parcel of property.
- Section 5. 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.
- Section 6. The City Clerk shall transmit a certified copy of this Resolution to the Sacramento County Auditor/Controller.
- Section 7. Exhibit A is part of this Resolution.

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Exhibit A

Delinquent Charges--Special Assessment Liens for Sidewalk Repair July 21, 2009

Exhibit A

Last Name	First Name	Sidewalk Repair Location	Assessor's Parcel Number	Council District	Balance Due
Lundberg	Anne	901 7th Av	012-0272-034-0000	4	\$491.62
Taing	Larry	1400 Sutterville Rd	017-0073-001-0000	4	\$574.35
Wagoner	Monica L.	893 Perkins Wy	012-0192-013-0000	4	\$198.45
Moore	Trisha E.	4591 67th St	021-0331-061-0000	6	\$2,130.57
Newman	Christian L.	30 Cattail Ct	225-0480-015-0000	1	\$508.37
Schwab	Erik J	6573 South Land Park Dr	024-0351-012-0000	4	\$800.00
Leung	Kenneth C.	6557 South Land Park Dr	024-0351-014-0000	4	\$1,512.64
Doan	Binh C.	8051 Capistrano Wy	038-0272-012-0000	6	\$1,314.87
Rock	Patricia	7300 Vandenberg	023-0175-005-0000	6	\$184.37
Ducharme	John A.	5661 Velma Wy	027-0014-017-0000	6	\$1,415.91
Thomas	Nicole	5750 Velma Wy	027-0093-008-0000	6	\$401.73
Rovito	Joseph Anthony	1525 34th St	007-0295-008-0000	3	\$1,988.70
Topp	Melanie	2998 61st St	011-0306-014-0000	6	\$891.96
Beacham	Dennis	7011 21st Av	021-0335-013-0000	6	\$603.69
Chambers	Ronald N.	1833 Vallejo Wy	012-0134-018-0000	4	\$1,260.21
Hernandez	Miguel A.	1670 Tourney Wy	225-0785-015-0000	1	\$211.82

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 21, 2009

Leyva	Luis (Est of)	3522 Folsom Bl	007-0301-006-0000	3	\$1,257.63
Barham	Christine M.	5017 K St	008-0162-010-0000	3	\$814.82
2311 P St LLC		2311 P St	007-0256-031-0000	3	\$1,444.60
Ross	Dana B.	817 21st St	007-0021-021-0000	3	\$466.42
21st Boulevard LLC		915 21st St	007-0022-001-0000	3	\$1,450.50
One Capitol Mall Investments		1 Capitol Mall	006-0136-007-0000	1	\$5,739.80
Gross	Tonja T.	213 Arbor Crest Wy	237-0450-013-0000	2	\$899.91
Conrad Family Trust		2400 Q St	007-0332-001-0000	3	\$2,920.11
McKoy	Charlene M.	2315-17 Q St	007-0325-016-0000	3	\$1,806.00
Cottle	Davd L.	3658 Bret Harte	013-0153-010-0000	5	\$2,513.53
Pilgrim	Larry	400 Alhambra Bl	003-0161-007-0000	3	\$4,150.89
Galvan	Barbara J.	521 23rd St	003-0136-022-0000	3	\$2,068.08
Tabriz	Celest P.	2980 32nd St	013-0135-007-0000	5	\$1,681.07
Willoughby	Richard E.	3092 Mill Oak Wy	225-0681-012-0000	1	\$1,286.35
Lev	Terry J.	510 U St	009-0116-004-0000	4	\$2,520.62
Okeke	Matthew O.	3601 Del Paso Bl	252-0241-015-0000	3	\$2,511.09
Lee	Emmanuel	719 19th St	003-0174-020-0000	3	\$2,827.48
Flores	Pedro C	527 U St	009-0115-015-0000	4	\$3,144.12
Falge	Richard A.	315 T St	009-0052-029-0000	4	\$4,992.41

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Phyllis M Oldham 1998 Revocable Trust		2500 N St	007-0263-003-0000	3	\$6,104.62
Guerrero	Jesus	220 Arcade Bl	263-0064-005-0000	2	\$115.00
Salley	Asa L.	6292 Broadway	015-0081-003-0000	6	\$1,644.57
Wu	Nella H.	2930 Truxel Rd	225-0410-011-0000	1	\$629.29
Cook	Robert	1323 44th St	008-0271-011-0000	3	\$949.27
Burton	Patricia P.	2942 25th St	013-0082-009-0000	5	\$1,088.44
Woodworth	Jeffrey W. Sr.	316 33rd St	003-0116-014-0000	3	\$244.63
Eccel	Caroline	506-08 U St	009-0116-003-0000	4	\$917.94
Nikakis	Mary	5011 San Francisco BL	021-0023-036-0000	5	\$1,185.88
Greek	Harvey	3062 37th St	013-0251-021-0000	5	\$1,220.14
Henig	Marc A.	200 Doolittle St	238-0102-017-0000	2	\$1,716.01
Lau	Gordon S.	1728 O St	006-0235-023-0000	3	\$2,400.20
Rector	Christopher	1448 Tradewinds Av	017-0193-008-0000	4	\$1,278.78
Harrold	Fritz	1207 43rd St	008-027-010-0000	3	\$740.07
Olivadotti	Terri Ann	2736 16th St	012-0034-010-0000	4	\$1,053.57
Simmons	Marvin	2744 21st St	012-0052-003-0000	4	\$618.03
Strangio	Frank	1803 Castro Wy	012-0043-026-0000	4	\$455.05
Rhym	Ellis	2301 Turnesa Av	035-0163-024-0000	5	\$845.80
Ramirez	Jose J.	3333 44th St	014-0222-062-0000	5	\$328.99

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Boyd	John W.	1841 45th St	011-0042-026-0000	6	\$1,317.85
Butler	Michael	412 23rd St	003-0133-011-0000	3	\$1,010.18
Tobias	Kathryn J.	618 24th St	003-0185-025-0000	3	\$1,499.12
Akinsete	Tony K	1040 Rio Ln	016-0161-033-0000	4	\$1,919.72
Tabor Family Trust		3739 McKinley Bl	004-0175-008-0000	3	\$300.00
Herrera	Garcia Ramiro	3132 Wiese Wy.	225-0307-020-0000	1	\$1,354.99
Padlo	Mary Louise	1370 Senida Wy	225-0590-026-0000	1	\$1,889.89
Bahn	Jim	89 Arcade Bl	263-0051-006-0000	2	\$1,503.07
Lil Baby Inc		3515 Broadway	010-0382-002-0000	5	\$1,872.21
Romero	Jesus M	2835 Truxel Rd	225-0500-019-0000	1	\$2,648.63
White	Janene	1400 V St	009-0205-003-0000	4	\$4,860.62
Khouanmany	Vilaychith	6 City Ct	225-0540-018-0000	1	\$729.43
Walker	Ted A.	1805 1st Av	010-0271-017-0000	4	\$1,354.80
Lopez	Alfredo	6054 35th Av	027-0105-010-0000	6	\$582.44
Uppal	Jay	1621 28th St	007-0343-023-0000	3	\$2,627.99
Singh	Kaus	1625 28th St	007-0343-022-0000	3	\$1,163.75
Edwards	Jeffrey	2067 Orestes Wy	225-0623-006-0000	1	\$1,353.02
Read	Geraldine P.	3501 Folsom Bl	007-0231-017-0000	3	\$420.07
Matthews	Ellazeen	5570 Ontario St	023-0294-011-0000	6	\$579.24

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Gutierrez	Ruben	7721 Franklin Bl	118-0033-008-0000	8	\$486.96
Sanchez	Evela	191 El Camino	263-0216-015-0000	2	\$1,015.24
Johnson	Betty	2181 Meadowview Rd	048-0198-020-0000	8	\$244.82
Herring	Greg	2185 Meadowview Rd	048-0198-018-0000	8	\$821.72
Perez	Virginia	3116 Bridgeford Dr	225-0302-009-0000	1	\$211.99
Yee	Wingit D.	330 24th St	003-0086-016-0000	3	\$1,849.76
Barkouki	Joshua	3905 34th St	020-0052-001-0000	5	\$111.75
Wells	Paul	2950 Belden St	265-0122-002-0000	2	\$938.88
Albertson	Margaret	2130 55th St	011-0152-015-0000	6	\$1,029.78
Greene Family Trust		2491 Fruitridge	019-0201-025-0000	5	\$200.00
Deloney	Charles D	1101 G St	002-0157-014-0000	1	\$6,077.30
Chu Family Living Trust		2204 10th St	009-0197-015-0000	4	\$2,537.13
Ortega	Michael A. Sr	1301 32nd St	007-0221-001-0000	3	\$3,184.78
Kreis	Brenda J. Elvine Kreis	2016 Sloat Wy	010-0337-006-0000	4	\$96.01
Ratley Family Trust/2003 Dale Robertson		2125 I St	007-0021-024-0000	3	\$1,955.60
					\$132,269.71