



REPORT TO COUNCIL

City of Sacramento

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

Public Hearing
July 24, 2007

**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: 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 Tax Collector.

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 2). State law and/or 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 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 had been given ample opportunity to repair sidewalk damages. 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 \$116,937.79

A Delinquency Lien Hearing Officer was paid \$50 an hour. There were 5 sidewalk repair hearings which required a total of 4.50 hours for a total cost of \$225.00.

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.

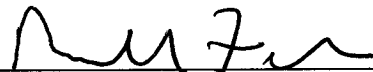
Emerging Small Business Development (ESBD): There is no requirement for purchase of goods or services associated with this item.

Respectfully Submitted by:



Brad Wasson, Revenue Manager

Approved by:



Russell Fehr, Director of Finance

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 24, 2007

Recommendation Approved:



for 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 attached to the report (Attachment 4). 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 list each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing are also included.

Attachment 2

City of Sacramento

FY 2006/2007 Annual Special Assessments and Lien Summary

| | No. of Lien Notices Mailed | Total Amount Due All Notices (1) | 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 |
|--|----------------------------|----------------------------------|--------------------------|----------------------------------|-----------------------------------|------------------------------|----------------------|------------------|
| Unpaid costs for delinquent: Sidewalk Repairs | 152 | \$199,518.82 | 10 | 2 | 5 | 2 | 5 | \$116,937.79 |

(1) Total amount of liens accounts for payments received after the lien notices were mailed April 19, 2007

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 24, 2007

Attachment 3

| Name | Sidewalk Repair Location | Assessor Parcel Number | Council District | Disposition | Amount |
|------------------------------|--------------------------|------------------------|------------------|-------------|-----------|
| Abrusci, Richard | 2664 21 st St | 010-0337-057-0000 | 4 | Fees Upheld | \$1357.38 |
| Bergeron, Jan Louis | 2024 14 th St | 009-0143-013-0000 | 4 | Fees Upheld | \$2561.80 |
| Durfee, Robbin | 104 Petrilli Cr | 029-0460-078-0000 | 4 | Fees Upheld | \$731.81 |
| Garther Ware Revocable Trust | 2179 Florin Rd | 035-0332-008-0000 | 8 | Fees Upheld | \$810.39 |
| Johnson, Betty | 2181 Meadowview Rd | 048-0198-020-0000 | 8 | Fees Upheld | \$1574.42 |
| Krizman, John & Joan | 2624 16 th St | 009-0302-013-0000 | 4 | Fees Upheld | \$1057.92 |
| Morley, Jillian | 89 51 st St | 004-0055-006-0000 | 3 | Fees Upheld | \$975.94 |
| Poe, Bill & Barbara | 5330 19 th Av | 021-0205-004-0000 | 5 | Fees Upheld | \$2034.83 |
| Sington (Est of), Johnnie | 4849 10 th Av | 015-0181-033-0000 | 5 | Fees Upheld | \$501.86 |
| White, Georgiana | 4340 T St | 011-0122-001-0000 | 6 | Fees Upheld | \$763.99 |

Attachment 4

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 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 those 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 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 \$116,937.79 as set forth in Exhibit A. This amount may be reduced as staff determines necessary.

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 24, 2007

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.

Table of Contents:

Exhibit A

Delinquent Charges--Special Assessment Liens for Sidewalk Repair July 24, 2007

Exhibit A

| Name | Sidewalk Repair Location | Assessor Parcel Number | Council District | Amount |
|----------------------------------|--------------------------|------------------------|------------------|------------|
| Abrusci, Richard | 2664 21st St | 010-0337-057-0000 | 4 | \$1,200.00 |
| Anderson, Agnes L | 4216 T St | 011-0117-003-0000 | 6 | \$534.03 |
| Armenta, Francisco | 355 El Camino Av | 263-0224-010-0000 | 2 | \$1,271.04 |
| Balderas, Ana L | 84 Arcade Bl | 263-0052-007-0000 | 2 | \$1,988.40 |
| Betty K Chan Living Trust | 2500 V St | 010-0173-003-0000 | 4 | \$5,096.47 |
| Betty Kuhn Trust | 2705 K St | 007-0111-018-0000 | 3 | \$639.86 |
| Bouie, Thurman Ray | 572 Las Palmas | 263-0132-039-0000 | 2 | \$200.00 |
| Brady, Edward C & Roberta J | 6800 Golf View Dr | 035-0231-001-0000 | 5 | \$1,759.10 |
| Buethe, Tiffany Anne | 1529 49th St | 008-0431-037-0000 | 3 | \$299.69 |
| Burke, Solomon D | 3624 7th Av | 013-0341-025-0000 | 5 | \$910.45 |
| Bustillos, Erin & Jason | 2865 Marshall Wy | 013-0092-027-0000 | 5 | \$1,204.82 |
| Campos, Juan C | 8004 Gilpen Wy | 117-0582-004-0000 | 7 | \$211.10 |
| Casa Grande Industries Inc | 325 El Camino Av | 263-0224-011-0000 | 2 | \$1,703.27 |
| Cummings III, George D | 5284 Fruitridge Rd | 026-0071-006-0000 | 5 | \$2,809.28 |
| Danny/Mary Gomez Revocable Trust | 1331 35th St | 007-0231-029-0000 | 3 | \$826.24 |
| Danny/Mary Gomez Revocable Trust | 1914 24th St | 010-0036-010-0000 | 4 | \$1,930.26 |

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 24, 2007

| | | | | |
|------------------------------------|--------------------|-------------------|---|------------|
| Danny/Mary Gomez Revocable Trust | 179 Tivoli Wy | 004-0063-018-0000 | 3 | \$911.47 |
| Dawson, Evanda | 2131 Florin Rd | 035-0324-026-0000 | 5 | \$646.74 |
| De Anda, Fidencio | 3625 7th Av | 013-0292-033-0000 | 5 | \$595.64 |
| Deuter, Ernst M & Sharon M | 4201 J St | 008-0043-017-0000 | 3 | \$873.64 |
| Duchene, Daniel Troy | 2441 2nd Av | 010-0351-012-0000 | 5 | \$1,071.68 |
| Easley, Aaron & Deneisha | 3628 Reel Cr | 053-0106-008-0000 | 8 | \$551.55 |
| Ed/Janet Gatejen Revocable Trust | 1931 P St | 007-0244-012-0000 | 3 | \$7,813.97 |
| Eddings, Melvin | 773 4th Av | 012-0093-014-0000 | 4 | \$1,040.90 |
| Fong, Joseph A & Sylvia | 6951 Hogan Dr | 035-0255-001-0000 | 5 | \$1,334.15 |
| Garibay, Blanca | 2183 Florin Rd | 035-0332-007-0000 | 5 | \$1,350.22 |
| Grace A Bagdasarian 1990 Trust | 3940 3rd Av | 014-0102-007-0000 | 5 | \$1,257.64 |
| Guillermo, Martin | 900 Calvados Av | 277-0132-001-0000 | 2 | \$2,334.91 |
| Gurpreet Singh/Surinder Kaur | 2193 Meadowview Rd | 048-0198-014-0000 | 8 | \$1,969.18 |
| Gwin, Andrew J & Norma J | 5401 J St | 008-0114-010-0000 | 3 | \$1,114.12 |
| Hammons, Roseanne Liu C & Robert D | 8021 Levering Av | 117-0032-008-0000 | 7 | \$849.20 |
| Harris, Patricia A | 1633 49th St | 008-0481-021-0000 | 3 | \$705.08 |
| Hildebrand, Valli M | 178 Tivoli Wy | 004-0104-010-0000 | 3 | \$686.00 |
| Honeywood, Lynn | 6981 Hogan Dr | 035-0256-005-0000 | 5 | \$878.64 |

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 24, 2007

| | | | | |
|------------------------|--------------------|------------------------|---|------------|
| Jacinth, Paul & Angela | 3347 Y St | 010-02666-013-0000 | 5 | \$969.94 |
| Jackson, Renee | 3826 45th St | 014-0284-006-0000 | 5 | \$725.40 |
| Jaya Incorporation | 2300 Broadway | 010-02224-003/004-0000 | 5 | \$1,516.55 |
| Kaleel, Joann T | 600 21st St | 003-0175-010-0000 | 3 | \$1,767.54 |
| Keller, Justin D | 2563 Altos Av | 263-0190-037-0000 | 2 | \$827.14 |
| Kelley, Julia Gale | 2911 Gardendale Rd | 049-0205-025-0000 | 8 | \$959.48 |
| Leon, Jose R & Maria E | 4965 9th Av | 015-0113-028-0000 | 5 | \$826.54 |
| Lowers, Thomas | 2121 Alhambra Bl | 010-0193-002-0000 | 4 | \$1,629.73 |
| Madrigal, Juan | 813 Lampasas | 265-0241-024-0000 | 2 | \$218.99 |
| Massengale, David E | 312 Jessie Av | 237-0283-005-0000 | 2 | \$289.64 |
| McKellips, Steve W | 4556 9th Av | 014-0222-023-0000 | 5 | \$723.10 |
| McShan, Philip Duane | 2106 Bernard Wy | 035-0322-002-0000 | 5 | \$962.13 |
| Mellon Family Trust | 919 8th Av | 012-0331-044-0000 | 4 | \$736.85 |
| Morley, Jilian M | 89 51st St | 004-0055-006-0000 | 3 | \$975.94 |
| Murray, Robert | 320 13th St | 002-0082-007-0000 | 3 | \$151.06 |
| Owens, Adelaide U.T. | 2199 4th Av | 013-0031-016-0000 | 5 | \$1,494.70 |
| Parkinson, Timothy | 507 13th St | 002-0124-003-0000 | 3 | \$538.66 |
| Peeples, Nathan | 1852 50th St | 011-0053-008-0000 | 6 | \$988.54 |

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 24, 2007

| | | | | |
|---------------------------------------|---------------------|-------------------|---|------------|
| Pettingrew, Jeffrey L & Lonna R | 83 Lochmoor Circle | 118-0031-005-0000 | 8 | \$411.28 |
| Phyllis M Oldham 1998 Revocable Trust | 5308 Moddison Av | 005-0142-002-0000 | 3 | \$903.72 |
| Plascencia, Benjamin | 3318 20th Av | 020-0204-034-0000 | 5 | \$210.00 |
| Ramirez, Francisco C & Karen | 3356 Y St | 010-0311-010-0000 | 5 | \$5,425.18 |
| Reynolds, Robin E | 612 21st St | 003-0175-013-0000 | 3 | \$1,382.54 |
| Rojas, Elizabeth | 2361 57th Av | 035-0266-011-0000 | 5 | \$1,551.14 |
| Rosemond, Adriane | 2785 Meadowview Rd | 049-0250-024-0000 | 8 | \$725.16 |
| Sandelius, James M | 75 Goodwin Cr | 117-0612-001-0000 | 7 | \$773.14 |
| Sandra Cantu/Boris A Cardenas | 541 40th St | 004-0241-026-0000 | 3 | \$399.93 |
| Sava, Sharon Ann | 3532 43rd St | 014-0246-006-0000 | 5 | \$593.22 |
| Sayphachanh, Vieng | 4650 Elvas Av | 004-0043-001-0000 | 3 | \$1,742.96 |
| Shannon, Timoty D & Gina Marie | 2105 Alhambra Bl | 010-0193-003-0000 | 4 | \$421.56 |
| Shemyakin, Nataliya | 1373 Grendel Wy | 225-0600-048-0000 | 1 | \$1,510.46 |
| Silvester C Herrera/Yoland Sanchez | 6912 Buena Terra Wy | 029-0062-001-0000 | 4 | \$777.60 |
| Simental, Raquel & Mario Alfaro | 2325 D St | 003-0086-017-0000 | 3 | \$1,316.14 |
| Smith, Lionel Sr & Elaine | 7717 Teekay Wy | 053-0125-001-0000 | 8 | \$897.00 |
| Snapp, Dale III & Nechelle L | 548 Santa Ynez Wy | 004-0224-006-0000 | 3 | \$944.88 |
| Starr, Ronald Lee | 3501 37th St | 013-0402-023-0000 | 5 | \$861.74 |

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 24, 2007

| | | | | |
|---|----------------------|-------------------|---|------------|
| Stowers, Anne M & Eduardo K | 230 21st St | 003-0074-012-0000 | 3 | \$1,251.86 |
| Swan, Ervin III & Maria | 3953 3rd Av | 014-0101-033-0000 | 5 | \$964.22 |
| Taxara, Barbara J | 2618/2630 Forrest St | 263-0163-028-0000 | 2 | \$2,266.56 |
| Taylor, Bettie Lee | 2301 Capitol Av | 007-0155-016-0000 | 3 | \$3,088.01 |
| Thomas, Nettie M | 7740 Teekay Wy | 053-0113-007-0000 | 8 | \$847.68 |
| Thomas, Sherrie | 15 Petrilli Cr | 029-0460-064-0000 | 4 | \$731.81 |
| Tucker, Garrison W | 403 14th St | 002-0125-003-0000 | 3 | \$1,889.82 |
| Turner, Dorothy L | 3112 Bridgeford Dr | 225-0302-010-0000 | 1 | \$1,394.77 |
| Van Fossen IV, Harry Thomas | 6311 39th Av | 027-0293-004-0000 | 6 | \$278.24 |
| Van Osten, Kirsten | 331 21st St | 003-0082-021-0000 | 3 | \$3,285.29 |
| Ventura, Kenneth | 3200 9th Av | 013-0332-001-0000 | 5 | \$2,619.70 |
| Vowell, Ken & Maureen | 2319 L St | 007-0096-012-0000 | 3 | \$505.94 |
| Walker, William J & Digna | 530 21st St | 003-0126-016-0000 | 3 | \$2,372.22 |
| Wardak, Asef | 8412 La Riviera Dr | 079-0054-017-0000 | 6 | \$260.70 |
| WE Himmelmann/AB Building Limited Partnership | 2450 Alhambra Bl | 010-0252-008-0000 | 5 | \$3,293.60 |
| Werking, Dennis M & Connie L | 3517 7th Av | 013-0292-042-0000 | 5 | \$620.31 |
| Wheeler, Lucy | 3946 3rd Av | 014-0102-008-0000 | 5 | \$631.74 |
| White, Georgianna Lynn | 4340 T St | 011-0122-001-0000 | 6 | \$763.99 |

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 24, 2007

| | | | | |
|----------------------------|-----------------|-------------------|---|--------------|
| Wong, Richard & Elisa | 7528 Eddylee Wy | 048-0122-009-0000 | 8 | \$2,140.81 |
| Woods, Willa | 7001 Demaret Dr | 035-0285-001-0000 | 5 | \$1,313.42 |
| Wyatt, Willie Wallace ETAL | 4408 8th Av | 014-0222-001-0000 | 5 | \$698.78 |
| | | Grand Total | | \$116,937.79 |