



REPORT TO COUNCIL

City of Sacramento

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

Public Hearing
July 20, 2010

**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

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:

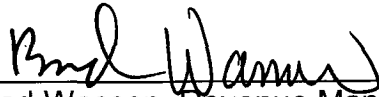
Sidewalk Repairs \$176,377.24

A Delinquency Lien Hearing Officer was paid \$50.00 an hour. There were 2 sidewalk repair hearings which required a total of 1.75 hours for a total cost of \$87.50.

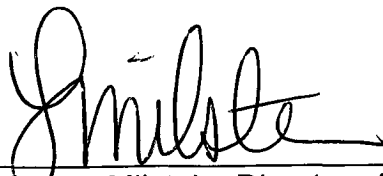
City staff time was required for scheduling the hearings, the notices to property owners, and the final noticing for hearings held. All costs are included in the Revenue Division's operating budget and no additional funding is requested or required.

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: 
Leyne Milstein, Director of Finance

Recommendation Approved:


Gus Vina, Interim City Manager

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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.

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 20, 2010

Attachment 2

City of Sacramento

FY 2009/2010 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	178	\$214,760.53	26	3	0	0	0	2	\$176,377.24

2009/2010 Annual Special Assessment Lien Protests & Hearings

Name	Sidewalk Repair Location	Assessor Parcel Number	Council District	Protest Disposition	Hearing Disposition	Amount
Arthur Dean Taylor Trus	2739 Marty Way	012-0034-012-0000	4	Fees Upheld	Fees Upheld	\$392.41
Ramsy, Charles H	2501 Castro Way	010-0354-017-0000	5	Fees Upheld	Fees Upheld	\$2,087.99
Renfrew, Thea & Richard	912 21 st St	007-0016-010-0000	3	Fees Upheld	Fees Upheld	\$1,278.31

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 \$176,377.24 as set forth in Exhibit A. This amount may be reduced as staff determines necessary.

Delinquent Charges–Special Assessment Liens for Sidewalk Repair July 20, 2010

- 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 20, 2010

Exhibit A

Last Name	First Name	Sidewalk Repair Location	Assessor's Parcel Number	Balance Due
12th St Collaborative for Montessori Education		1123 D St	002-0075-026-0000	\$2,065.77
Fitch	Ruth E	1501 F St	002-0132-022-0000	\$2,684.51
Ching	Gregory K	1408 G St	002-0166-002-0000	\$6,493.51
O'Neil	Maria	620-622 17th St	002-0173-013-0000	\$1,382.43
Mark L Marshall Trust		619 17th St	002-0175-020-0000	\$1,741.95
Brick	Chris	1825 E St	003-0121-017-0000	\$882.25
Townsend	John C	2120 D St	003-0131-008-0000	\$2,001.54
Hohlwein	Laura A E	408 Alhambra Bl	003-0161-008-0000	\$1,604.72
Kouklis	Matthew A	3172 D St	003-0163-012-0000	\$752.92
Smith ETAL	Jeffrey	2015 H St	003-0176-019-0000	\$928.39
Lucille M Harder Grantor Trust		81 43rd St	004-0033-020-0000	\$665.50
Fraser	Marietta C (Est of)	127 51st St	004-0094-008-0000	\$672.67
Schriever	Norman J	5031 D St	004-0201-044-0000	\$876.83
Oshea	Yvette C	720 47th St	004-0304-007-0000	\$1,498.93
Steward	Cary M	656 55th St	004-0341-002-0000	\$990.14
Klein	Michael L	5401 H St	004-0341-011-0000	\$821.71
Chapman	Robert W	5309 Monalee Av	005-0113-030-0000	\$300.29
Mischley	Thomas A	3779 Moddison Av	005-0252-011-0000	\$2,063.30
Hobbs	William W	820 18th St	006-0065-011-0000	\$1,685.85
Bott Family Trust		1711 13th St	006-0285-002-0000	\$3,722.78
Lueras	David J	1618 18th St	006-0295-012-0000	\$102.44
Renfrew	Thea M	912 21st St	007-0016-010-0000	\$1,278.31
Nootenboom	Gary D	913 30th St	007-0052-002-0000	\$1,030.66
Hobbs	William	903 30th St	007-0052-003-0000	\$1,945.65
Saltonstall	Adriana Gianturo	1017 26th St	007-0105-022-0000	\$1,061.52
McKenzie	Dylan T	1025 Santa Ynez Wy	007-0135-014-0000	\$804.46
Fidell	Megan S	1630 23rd St	007-0323-016-0000	\$2,378.97
Calandri	Sandra Lee	2531 Q St	007-0333-015-0000	\$1,997.57
Hansen	Katherine	1560 53rd St	008-0433-010-0000	\$706.87
Betty J Murray 1992 Revovable Trust etal		1901 8th St	009-0066-006-0000	\$10,648.65
Chinese Gospel Mission of Sacramento		1916 15th St	009-0086-012-0000	\$3,351.56

Delinquent Charges--Special Assessment Liens for Sidewalk Repair July 20, 2010

Kouretas	James L	2416 9th St	009-0241-003-0000	\$4,181.90
Kouretas	James L	831 Broadway	009-0241-004-0000	\$5,051.58
UOP Investors LLC		1601 Broadway	009-0264-024-0000	\$1,472.87
Gorman	Teri A	1721 Burnett Wy	009-0267-014-0000	\$715.46
Oda	Dwight K	2637 16th St	009-0303-019-0000	\$543.32
Howard	Greg	1017 Vallejo Wy	009-0364-014-0000	\$903.97
Moreno	Ramon A	2401 T St	010-0042-019-0000	\$1,994.85
Rose	George W Jr	1814 27th St	010-0045-007-0000	\$2,077.74
Manavirad	Gholam R	1814 T St	010-0091-004-0000	\$2,261.97
Manavirad	Gholam R	1818-1820 T St	010-0091-005-0000	\$2,688.34
Karpaty	Katalyn	2111 28th St	010-0124-002-0000	\$4,177.96
Shannon	Herbert	3020 T St	010-0131-007-0000	\$752.49
Herbert D/Shirley M Shannon 1998 Revocable Trust		2010 Alhambra Bl	010-0131-009-0000	\$2,355.91
Herbert D/Shirley M Shannon 1998 Revocable Trust		2014 Alhambra Bl	010-0131-010-0000	\$976.29
Shannon	Herbert D	2016 Alhambra Bl	010-0131-011-0000	\$2,758.10
Richard J Winn 2002 Revocable Trust		2229 W St	010-0163-016-0000	\$101.74
Herbon	Reiner M	2417 W St	010-0171-018-0000	\$1,337.53
Konopka	James	2221 24th St	010-0171-023-0000	\$121.52
Babich Brown Credit Trust ETAL		4716 V St	010-0187-006-0000	\$1724.87
Pierce	Joanne E	3124 U St	010-0193-006-0000	\$395.89
Lueras	Joseph A	2026 1st Av	010-0277-001-0000	\$451.20
Fitzwater	Robyn W	2022 1st Av	010-0277-014-0000	\$1,297.74
Martin	David A	2601 28th St	010-0292-025-0000	\$1,067.59
Ward	Gregory D	2632 Franklin Bl	010-0293-005-0000	\$387.74
Ward	Gregory D	2843 2nd Av	010-0293-015-0000	\$3,810.42
Alchemy at 34th LLC		2535 34th St	010-0314-017-0000	\$6,230.39
Balderas	Arnoldo	2635 34th St	010-0315-001-0000	\$1,530.56
Balderas	Arnoldo	3400 1st Av	010-0315-002-0000	\$4,746.02
Thom	Richard	3401 2nd Av	010-0315-018-0000	\$973.50
Bribiescas	Angie D	2197 57th St	011-0241-029-0000	\$541.08
Huff	Douglas M	2193 57th St	011-0241-031-0000	\$548.73
Tullgren	Lisa	1817 Markham Wy	012-0045-040-0000	\$720.10
Bright	Brook	2180 Portola Wy	013-0062-010-0000	\$1,525.07
Fisher	Matthew	2734 Marshall Wy	013-0121-009-0000	\$985.46
Martinez	Elaine D	2401 Curtis Wy	013-0204-031-0000	\$2,222.51
Bonnie W Hassey Living Trust		2410 8th Av	013-0264-002-0000	\$1,846.16

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 20, 2010

Conley R Greene 2010 Revocable Trust		3301 Cutter Wy	013-0273-006-0000	\$269.73
Holt 2009 Living Trust		3001 9th Av	013-0282-021-0000	\$1,618.52
Randall	Henrietta	3423 7th Ave	013-0292-048-0000	\$308.39
Shaver	Patricia A	4001 2nd Av	014-0082-012-0000	\$464.46
Moore	Nadia L	4009 2nd Av	014-0082-013-0000	\$689.17
Sakata	Alexandra Catherine	2733 Santa Cruz Wy	014-0113-022-0000	\$2,163.91
Vandiest	Katherine	2720 43rd St	014-0122-046-0000	\$2,022.05
Stanford	Bobbie	3883 8th Av	014-0174-004-0000	\$49.93
Smith	Charlotte	3806 42nd St	014-0272-013-0000	\$378.68
Rivera	Julio Jr.	5787 11th Av	015-0215-004-0000	\$844.73
Nichols	Glen M	1924 Argail Wy	017-0095-004-0000	\$817.34
Sun	Tung-Pao	4171 22nd St	018-0022-020-0000	\$3,000.00
Deputy	Richard W	4606 Fegan Wy	018-0074-002-0000	\$1,122.99
Syren	Leslyn K	2120 Irvin Wy	018-0192-003-0000	\$1,438.15
Mendoza	Jesse Manuel	3720 E Pacific Av	019-0024-003-0000	\$1,209.75
Smurzynski	Joby C	6121 15th Av	021-0061-009-0000	\$831.98
Coleman	Julia R G	4980 Quonset Dr	023-0183-001-0000	\$427.38
Dejuribe	Jose	824 Bell Air Dr	024-0101-010-0000	\$1,588.86
Delgadillo	Miguel Angel	1425 32nd Av	025-0022-024-0000	\$1,427.81
Schley	Joan A	2601 Helen Wy	025-0052-018-0000	\$1,468.41
Gonzalez	Ruben	5731 Velma Wy	027-0095-001-0000	\$2,291.18
Williams	Bradley D	5921 35th Av	027-0104-022-0000	\$340.00
Harrell	Benjamin F	6700 Lake Park Dr	029-0274-008-0000	\$1,098.00
Shirley M Cherney Revocable Family Trust		7173 Reichmuth Wy	029-0391-017-0000	\$282.60
Ung	Victor R	6701 Trudy Wy	030-0382-014-0000	\$1,663.58
Brookins	Dorothy	7309 Pocket Rd	031-0470-003-0000	\$244.82
Walden	Sherilyn G	7473 Pocket Rd	031-1060-002-0000	\$222.72
Pommer	Brenda	2001 Mangrum Av	035-0173-030-0000	\$783.80
Solomon	Yolanda	2179 51st Av	035-0372-003-0000	\$295.19
Tran	Thomas	6400 75th St	040-0051-004-0000	\$2,273.88
Novack	Margaret	2112 Florin Rd	047-0053-003-0000	\$1,313.78
Lopez	Maria D	2118 Florin Rd	047-0053-004-0000	\$932.67
Twenty Fourth St Baptist Church		7510 24th St	048-0224-021-0000	\$1,432.31
Burch	Ishmael Jr	7366 Patero Cr	049-0412-029-0000	\$100.00
Garcia	Martin Hernandez	1680 71st Av	052-0135-013-0000	\$398.81
Mark D. Perkins Revocable Family Trust		1700 71st Av	052-0135-014-0000	\$919.45

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 20, 2010

Lewis	James Harvey III	7716 Billings Wy	053-0061-010-0000	\$1,398.99
Estate of Sharel E Allard		8629 Midfield Wy	078-0161-009-0000	\$734.18
Levenhagen	Stephanie	8296 Caribbean Wy	079-0372-008-0000	\$437.65
Rhodes	April	3090 Wiese Wy	225-0304-003-0000	\$261.06
Salgado	James R	3101 Wiese Wy	225-0306-012-0000	\$1,028.97
Celemin	Ricardo G	3321 Pony Express Dr	225-0404-014-0000	\$753.51
River City Commons Assn		27 Bobber Ct	225-0530-021-0000	\$574.10
Abbas	Choudry A	1273 Old West Dr	225-0562-039-0000	\$616.21
Harrison	Paul L Jr	1404 Foxboro Wy	225-0590-073-0000	\$2,280.17
Weisenberg	Kimberley	1616 Teralba Wy	225-0643-027-0000	\$1,712.62
Hitchcock	Patricia A	22 Tinneil Ct	225-0683-024-0000	\$1,378.02
Allen-Wallinder	Terry L	53 Ishi Cr	225-0731-010-0000	\$460.47
Garcia	Gayla M	1889 Bandon Wy	225-0800-060-0000	\$1,992.12
Minor	Edwina	267 Christine Dr	263-0064-015-0000	\$345.35
				\$176,377.24