



## City Council Report

915 I Street, 1<sup>st</sup> Floor

Sacramento, CA 95814

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**File ID:** 2019-00479

July 23, 2019

**Public Hearing Item 44**

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**Title: Delinquent Charges - Special Assessment for Sidewalk Repair on Private Property and Related Costs (Noticed 03/11/2019)**

**Location:** Citywide

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution confirming the Director of Finance's delinquency report on unpaid sidewalk repair costs; thereby, placing a special assessment against the properties fronting the repaired sidewalks.

**Contact:** Laterre Walsh, Program Manager (916) 808-7800, Department of Finance

**Presenter:** Laterre Walsh, Program Manager (916) 808-7800, Department of Finance

**Attachments:**

- 1-Description/Analysis
- 2-Special Assessment Summary
- 3-Special Assessment Protest & Hearing
- 4-Resolution
- 5-Exhibit A

## Description/Analysis

**Issue Detail:** Sacramento City Code (SCC) section 12.32.130 authorizes the Director of Finance to initiate proceedings to recover the cost of sidewalk repairs or reconstruction performed by the City, by imposing a special assessment against the properties fronting the repaired or reconstructed sidewalks. This public hearing is for the City Council to confirm, reject, or modify the Director of Finance's delinquency report on unpaid sidewalk repair costs. Upon confirmation, the sidewalk repair or reconstruction costs identified in the delinquency report shall constitute a special assessment against the properties fronting the repaired sidewalks (SCC section 12.32.170). This is the final step the City takes before the special assessment can be collected by 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 special assessment hearing officer. The SCC requires a public hearing before the City Council may confirm the Director's report and imposition of special assessments, thus providing property owners with an opportunity to object or protest the matter before the 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 special assessment hearing officer was conducted in accordance with the City Code. The City Council is not required to hear the objections of any property owner who did not previously appear before the special assessment hearing officer. (SCC section 12.32.170)

**Economic Impacts:** None.

## Environmental Considerations:

**California Environmental Quality Act (CEQA):** This report concerns administrative activities and government fiscal activities that do not constitute a "project" as defined by the CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4) and are not subject to the provisions of CEQA (CEQA Guidelines 15060(c)(3)).

**Sustainability:** Not applicable.

**Commission/Committee Action:** None.

**Rationale for Recommendation:** As required under applicable provisions of the SCC and/or state law, all property owners were notified of the unpaid and/or delinquent charges, were given an opportunity to resolve the issue with City staff, and an opportunity for a hearing before a special assessment hearing officer. The City has been utilizing a special assessment hearing officer to hear protests of delinquent charges since 1996. The delinquent costs due and the

properties to which such costs apply, are set forth in Exhibit A to the Resolution attached to the report. Attachment 1 summarizes the unpaid costs, the number of protests received, and the number of hearings held before the special assessment hearing officer. Attachment 2 lists each protest received and the final disposition of each protest. The findings of the special assessment hearing officer for each hearing are also included.

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

**Financial Considerations:** The unpaid costs incurred by the City for sidewalk repair or reconstruction services are \$161,115.07 (Attachment 1). City staff time was required for noticing property owners and handling customer disputes and is included in the total amount due by property owners. The administrative fee includes \$250.00 for the cost of two (2) sidewalk-repair/reconstruction hearings that required a total of five (5) hours of special assessment hearing officer time.

**Local Business Enterprise (LBE):** Not applicable.

**FY2018/2019 Sidewalk Repairs Special Assessments****Attachment 1**

Notices Mailed	154
Total Amount Due (All Notices)	\$306,683.18
Protests received	39
Protests converted to payment plans	1
Protests removed from Special Assessment	1
Protests fees reduced	1
Hearings held	2
Accounts for Special Assessments	80
Total Amount Due to Special Assessments	\$161,115.07

**FY2018/2019**

**Sidewalk Protest & Hearings**

**Attachment 2**

<b>Name</b>	<b>Invoice</b>	<b>Location</b>	<b>APN</b>	<b>District</b>	<b>Findings</b>	<b>Hearing</b>	<b>Disposition</b>	<b>Original Amount Due</b>	<b>Final Amount Due</b>
Martinez Family Trust	DOTTSW17568	7478 29 <sup>TH</sup> St	049-0182-007-0000	8	Fees due	Y	No show	\$1,673.49	\$1,673.49
Daniel Rondell Sr	DOTTSW17547	115 La Fresa Ct #4	049-0281-036-0000	8	Fees due	Y	Fees Due	\$557.75	\$557.75
Kathleen Ellis	DOTTSW17611	1216 47 <sup>th</sup> St	008-0213-007-0000	3	Fees Due	Y	Fee reduced by \$300	\$1,127.20	\$827.20
Chad Michael Revocable Trust	DOTTSW18685	2745 37 <sup>th</sup> St	014-0091-031-0000	5	Fees Due	N	N/A	\$1,310.86	\$1,310.86
Avenir Slivinsky	DOTTSW17408	1623 Del Paso Bl	275-0088-004-0000	2	Fees Due	N	N/A	\$3,578.36	\$3,578.36
Jody L. Walker	DOTTSW17956	1810 E St	003-0122-005-0000	4	Fees Due	N	N/A	\$3,883.28	\$3,883.28
Patricia Flynn	DOTTSW18523	2540 6 <sup>th</sup> Ave	013-0262-011-0000	5	Fees Waived	N	N/A	\$641.02	\$0.00
Marcelett C. Henry	DOTTSW17844	745 Florin Rd	031-0530-037-0000	7	Fees Due	Y	No Show	\$40.00	\$40.00
Olaf W. Hedberg	DOTTSW18730	6431 11 <sup>th</sup> Ave	015-0236-023-0000	6	Fees Due	N	N/A	\$508.90	\$508.90

**RESOLUTION NO.**

Adopted by the Sacramento City Council

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

**BACKGROUND**

- A. In accordance with chapter 12.32 of the Sacramento City Code (SCC), the owners of each parcel identified in Exhibit A have been notified of their opportunity to object to or protest the unpaid costs, the proposed special assessments, of sidewalk repair or reconstruction work the City performed upon the sidewalks that front the owner's parcels (the "work").
- B. Each owner has been noticed and afforded an opportunity for an administrative appeal, including a hearing before a special assessment hearing officer.
- C. On this day the City Council held a public hearing on the special assessment hearing officer's findings and, after reviewing the evidence, confirmed that in each case the work had been performed and that the total cost for the work was reasonable.
- D. 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. Background Statements A through D are true and correct.
- Section 2. All protests have been considered and have been rejected, revised, or confirmed. (Attachment 2).
- Section 3. The reasonable cost for unpaid sidewalk repair work or reconstruction work performed shall not exceed \$161,115.07 as set forth in Exhibit A. Staff may reduce this amount as staff determines necessary.
- Section 4. In accordance with chapter 12.32 of SCC, the City Council hereby makes the unpaid costs a special assessment against the parcels fronting the repaired or reconstructed sidewalks as described and in the amount set forth in Exhibit A.
- Section 5. These special assessments are collectible at the same time and in the same manner as secured property taxes are collected, and are subject to the same penalties, priorities, and procedures of sale in the case of delinquency.

Section 6. Upon receipt of the Resolution from the City Clerk, the Enforcement and Collection division of the Revenue Department is hereby directed to deliver a certified copy of this Resolution to the Sacramento County Auditor/Controller.

Section 7. Exhibit A is part of this Resolution.

**FY2018/2019 Sidewalk Repair**

**Exhibit A**

<b>Customer</b>	<b>Item ID</b>	<b>Name</b>	<b>Address</b>	<b>APN</b>	<b>Total</b>
152557993	DOTTSW18444	BOYS/GIRLS CLUB OF GREATER SACRAMENTO INC	1120 F ST	002-0157-005-0000	\$1,033.10
152557993	DOTTSW18445	BOYS/GIRLS CLUB OF GREATER SACRAMENTO INC	1126 F ST	002-0157-006-0000	\$3,667.58
152558023	DOTTSW18442	BOYS/GIRLS CLUB OF GREATER SACRAMENTO INC	614 12TH ST	002-0157-008-0000	\$6,840.10
152558038	DOTTSW18130	BOYS/GIRLS CLUB OF GREATER SACRAMENTO INC	130 FAT ALY	002-0157-013-0000	\$6,876.00
152640355	DOTTSW17600	CASTRO FAMILY TRUST	209 ALHAMBRA BL	003-0113-003-0000	\$2,013.82
152631575	DOTTSW17540	JACKSON FAMILY TRUST	3225 D ST	003-0116-025-0000	\$2,827.52
152704054	DOTTSW18061	HUGO F FANUCCHI REV TRUST	431 22ND ST	003-0133-021-0000	\$2,113.15
152704057	DOTTSW18265	MICHAEL M O'MALLEY / PATRICIA L O'MALLEY-HENSON / JOANNE O'MALLEY-DARNELL	417 22ND ST	003-0133-024-0000	\$1,946.11
152631749	DOTTSW18020	MATTHEW A KOUKLIS	3172 D ST	003-0163-012-0000	\$892.45
152631464	DOTTSW18018	RANDEE DEANE GAINES / CORAL JEAN	3195 MCKINLEY BL	003-0163-018-0000	\$2,068.46
152531403	DOTTSW18665	PERNICH FAMILY TRUST	99 45TH ST	004-0083-027-0000	\$442.04
152701655	DOTTSW17702	DOROTHY LOUISE ANDERSON (EST OF)	4601 D ST	004-0136-015-0000	\$59.00
152637098	DOTTSW18815	PAUL T WEUBBE	1608 27TH ST	007-0335-011-0000	\$3,318.68
152503637	DOTTSW18393	MARY L STAHL	864 48TH ST	008-0103-002-0000	\$1,629.67
152667142	DOTTSW17729	KATHARINE JEFFERS / EVA HARGRAVES	1450 37TH ST	008-0251-010-0000	\$273.88
152636877	DOTTSW18706	JOO Y WOO	1915 13TH ST	009-0084-001-0000	\$3,139.30
152694652	DOTTSW17738	MATTHEW E / SHARI M GUEFFROY REV TRUST	1912 18TH ST	009-0096-010-0000	\$1,774.64
152637869	DOTTSW18021	ADA LIU YEE / SCOTT MONGIT	2031 13TH ST	009-0143-019-0000	\$2,812.96
152553515	DOTTSW18446	SANDRA L SARBER TRUST	1918 22ND ST	010-0032-017-0000	\$453.49
152552973	DOTTSW17522	LOGICAL FINANCE INC	2117 20TH ST	010-0094-018-0000	\$213.98
152730876	DOTTSW18637	JOHN F / DONNA F NOLAN	4724 T ST	011-0126-017-0000	\$59.00
152555783	DOTTSW18672	GEORGE GATICA	2834 59TH ST	011-0302-007-0000	\$403.28
152666974	DOTTSW17651	DEBORAH A MILLETT / MARK P MILLETT (EST OF)	1830 10TH AVE	012-0382-004-0000	\$1,632.92
152682361	DOTTSW18048	CHRISTOPHER / CATHERINE FERGUSON	3600 COLLEGE AVE	012-0403-002-0000	\$6,472.89



152652216	DOTTSW18573	EST OF JOSEPH A CHAPPELL	2551 5TH AVE	013-0114-010-0000	\$4,416.62
152569084	DOTTSW18691	BETHEL MINISTRIES CHURCH OF GOD IN CHRIST	PORTION LOT 18 BROADWAY	013-0153-017-0000	\$5,379.05
152428984	DOTTSW17500	WINTER, GREY W /COLLEEN D	3501 E CURTIS DR	013-0322-014-0000	\$1,535.94
152547036	DOTTSW18537	TODD D / SHARON KAY WONNACOTT	3902 MILLER WAY	014-0031-001-0000	\$267.53
152549919	DOTTSW18125	WILLIE R / HELEN L NEWSOME FAMILY TRUST	3821 MILLER WAY	014-0051-015-0000	\$59.00
152551586	DOTTSW18551	SUSAN L RODRIGUEZ	3746 MILLER WAY	014-0052-003-0000	\$218.74
152555747	DOTTSW18677	KELLY C LINQUIST	5017 9TH AVE	015-0123-046-0000	\$497.35
152597497	DOTTSW18696	LYSAGHT FAMILY TRUST / DENISE LYSAGHT, TRUSTEE	3601 56TH ST	015-0212-010-0000	\$1,862.48
152596854	DOTTSW18698	RAY & VERA REMMICK FAMILY TRUST	5032 11TH AVE	015-0251-006-0000	\$3,057.36
152708078	DOTTSW17864	TYLER GUNDERSON	4228 LOTUS AVE	018-0031-011-0000	\$169.00
152667958	DOTTSW18582	LINA M LYDA	23540 IRVIN WAY	018-0211-014-0000	\$2,953.64
152530837	DOTTSW18317	WONG, JASON F / HUBILLA, SYLVIA J	2500 23RD AVE	019-0113-001-0000	\$3,410.99
152546525	DOTTSW18439	ELIZABETH SEHAN	3716 30TH ST	020-0011-006-0000	\$1,081.37
152546395	DOTTSW18543	MARIO MERINO FLORES	3837 FRANKLIN BL	020-0012-010-0000	\$2,176.54
152726406	DOTTSW18777	NICHE NICOLE HEWITT / NICHELLE WASHINGTON	4024 MARTIN LUTHER KING JR BL	020-0063-014-0000	\$1,505.56
152552744	DOTTSW18552	RUBY J BROWN	3252 16TH AVE	020-0112-003-0000	\$969.01
152693263	DOTTSW17931	JASON MORENO	6641 KIPPING WAY	021-0075-009-0000	\$2,364.67
152329236	DOTTSW17374	ANDERSON ERIN	3921 69TH AVE	021-0083-006-0000	\$1,117.14
152708690	DOTTSW18860	ERIC W / MAGGIE A FALCONER	7329 MARIN AVE	021-0262-012-0000	\$2,416.24
152737103	DOTTSW18790	WILLIAM M. HINTE / CLINTON VIGEN	4531 71ST ST	021-0341-019-0000	\$1,324.84
152594718	DOTTSW16197	JACOB RIVAS	5380 48TH ST	022-0212-011-0000	\$550.00
152706222	DOTTSW18054	ROSHAND D LADAY	4820 76TH ST	023-0084-002-0000	\$2,462.96
152706221	DOTTSW18123	JOHN / CANDY RISTE	4830 76TH ST	023-0084-003-0000	\$489.52
152706302	DOTTSW18740	RYTINA J MAUCK	4816 BRADFORD DR	023-0092-001-0000	\$5,094.13
152708723	DOTTSW18734	JAN SAEPHAN / KAOFAE SAEPHANH	5136 CABOT CR	023-0192-018-0000	\$1,806.88
152709033	DOTTSW18743	2017 1 IH BORROWER LP / C/O INVITATIONS HOMES	5510 79TH ST	023-0302-003-0000	\$760.36

152706784	DOTTSW18873	SUZANNE S COPPLE	7831 21ST AVE	023-0321-018-0000	\$2,099.43
152679218	DOTTSW17925	CARMEN L RAMIREZ	1120 34TH AVE	024-0152-002-0000	\$2,000.00
152697755	DOTTSW18861	HENRY D GARCIA	5900 64TH ST	027-0215-011-0000	\$4,646.86
152677967	DOTTSW17645	FRED A / LE T FORREST FAMILY TRUST	5941 71ST ST	027-0312-013-0000	\$2,909.82
152725709	DOTTSW18646	FON SAM / LINDA SUSAN FONG	6736 21ST ST	035-0212-004-0000	\$1,059.60
152645050	DOTTSW18563	KATHLEEN HARRIS	2708 EDINGER AVE	036-0156-009-0000	\$3,530.78
152688580	DOTTSW18043	SONIA D ALVARADO	7370 WILLOWWICK WAY	047-0261-001-0000	\$1,725.58
152682638	DOTTSW18332	BAL & URMIL SOIN FAMILY TRUST	1778 MATSON DR	048-0072-018-0000	\$1,984.37
152691056	DOTTSW18336	HUY VO	7548 COLLINGWOOD ST	048-0132-002-0000	\$2,255.56
152732674	DOTTSW18649	ANA VUE	7517 TAMOSHANTER WAY	048-0183-019-0000	\$1,453.28
152325165	DOTTSW17499	REGINA MENDES LIVING TRUST	7373 29TH ST	049-0205-029-0000	\$3,000.00
152325915	DOTTSW17496	LOUISE GONSALVES	7550 29TH ST	049-0224-006-0000	\$1,266.04
152668088	DOTTSW18626	JASON A. JOHNSTON / ANH LY K JOHNSTON	7722 REENEL WAY	052-0141-004-0000	\$59.00
152725988	DOTTSW18375	NANNIE MAE JOHNSON	VACANT LAND SHRADER CR	053-0105-011-0000	\$7,271.29
152684293	DOTTSW17934	ERNESTO L. / HERMINIA NAVARRETE ETAL	7749 DIXIE LOU ST	053-0160-047-0000	\$3,231.64
152677560	DOTTSW17372	STRATTON S BARBEE	8168 ESSEN WAY	117-0620-030-0000	\$59.00
152702199	DOTTSW18597	OLIVIA GARCIA	8192 ESSAN WAY	117-0620-036-0000	\$2,234.01
152681350	DOTTSW18848	TAO ZHANG	5555 HONOR PKWY	201-0550-048-0000	\$1,319.69
152482788	DOTTSW18491	EDWIN / MARIBELLE HINLO / BRYAN MUY	5300 ALVOCA WAY	201-0680-091-0000	\$59.00
152683940	DOTTSW18718	MARIBELLE HINLO / EDWIN HINLO / BRYAN MUY	5300 ALVOCA WAY	201-0680-091-0000	\$3,884.41
152671781	DOTTSW18842	ANITA RAZO / GIOVANNI PIZANO	1511 BREWERTON DR	225-0420-072-0000	\$2,678.65

123459	DOTTSW17456	KIM R JEFFERSON	1590 PEBBLEWOOD DR	225-0464-001-0000	\$946.09
152507521	DOTTSW17400	AARON EVERETT	3151 YARWOOD WAY	225-0851-013-0000	\$484.84
152672191	DOTTSW18715	MANJULA T PATEL	3140 AZEVEDO DR	225-0851-022-0000	\$1,400.00
152565781	DOTTSW16693	CHINGYI HSIEH	2039 N BEND DR	225-1370-064-0000	\$900.00
152677423	DOTTSW18625	SATINDERPAL GILL	2056 N BEND DR	225-1370-072-0000	\$59.00
152705974	DOTTSW18736	MANJIT SINGH SAINI / SUKHWINDER KAUR ETAL	4934 KOKOMO DR	225-1800-070-0000	\$3,172.67
152657536	DOTTSW17412	SONAM V CHAND	3139 TOLLIVER ST	225-2150-039-0000	\$755.68
152658188	DOTTSW17415	EXPO POINTE OWNERS ASSOC	1111 EXPOSITION BLVD	275-0310-038-0000	\$1,880.88
152708365	DOTTSW18262	ROBERT / GRACELYN MARTINEZ FAMILY REV 2004 TRUST	2317 BOXWOOD ST	277-0071-012-0000	\$1,876.96
				TOTAL OF LIENS	\$161,115.07