



City of Sacramento City Council

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

Meeting Date: 4/12/2011

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed 3/16/2011)

Report ID: 2011-00130

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution placing liens on the properties for the amount listed on Exhibit A for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Dennis Kubo, Code Enforcement Manager, CDD Neighborhood Code Compliance Division (916) 808-8577

Presenter: Dennis Kubo

Department: Community Development Dept

Division: Neighborhood Code Compliance

Dept ID: 21001313

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Council Resolution
- 4-Exhibit A

City Attorney Review

Approved as to Form
Michael Fry
4/7/2011 2:42:13 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez 4/7/2011 3:45 PM (email approval)

Assistant City Manager: Cassandra Jennings - 4/7/2011 11:19:59 AM



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
April 12, 2011

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

**Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of
Fact for Special Assessment Liens**

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** placing liens on the properties in the amount of \$57,214.28 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Dennis Kubo, Code Enforcement Manager, 808-8577

Presenters: Dennis Kubo, Code Enforcement Manager

Department: Community Development

Division: Neighborhood Code Compliance

Organization No: 210001313

Description/Analysis

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by placing liens on the properties for which the fees and penalties were imposed pursuant to Chapter 8.04 of the Sacramento City Code.

Policy Considerations: Conducting the lien hearing is in accordance with Sacramento City Code Chapter 8.04. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment delinquency lien hearing.

Code Enforcement activities, including the related lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

Sustainability Considerations: There are no applicable sustainability considerations.

Environmental Considerations: California Environmental Quality Act (CEQA): The proposed resolution will not have any adverse environmental impact.

Sustainability Considerations: There are no applicable sustainability considerations.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

Financial Considerations: Lien accruals will be made through County tax collections. The City will also receive partial reimbursement from monies collected by the County based on the "Teeter" legislation agreement with the County. Any money generated from these liens would be included in the approved budget.

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: _____

Max B. Fernandez
Director, Community Development Department

Recommendation Approved:

Gus Vina
Interim City Manager

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Background Information:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Chapter 8.04, and was afforded an opportunity to appear before an appointed third-party Hearing Examiner. Subsequent to the hearing, a “Decision of Hearing Examiner” notice was issued and mailed to the property owner. Included in this notice were findings and the specific fees and penalties. The decision of the Hearing Examiner is final, and judicial review must be conducted in the manner and time frame set forth in California Code of Civil Procedure §1094.6. Sacramento City Code, Section 8.04.430 allows the City Council to order the penalty be made both as a personal obligation and a special assessment against the property.

Each property owner listed on the attachment has received all required notices under Chapter 8.04, and has been afforded both an opportunity to appear for an administrative hearing and a special assessment hearing. Each has received a final decision notice. None of the listed owners has paid the fees and penalties.

We submit this Resolution to the City Council for declaration of a special assessment.



RESOLUTION NO. 2011-

Adopted by the Sacramento City Council

April 12, 2011

ACCEPTING NEIGHBORHOOD CODE COMPLIANCE CASE FEES AND PENALTIES – FINDINGS OF FACT FOR SPECIAL ASSESSMENT LIENS

BACKGROUND

- A. The Community Development Department's Neighborhood Code Compliance Division, in accordance with Sacramento City Code, Sections 8.04.370 through 8.04.420, did provide a hearing before the appointed third-party Hearing Examiner to consider all protests for unpaid fees and penalties, if any.
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code Section 8.04.390.
- C. The Neighborhood Code Compliance Division established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Neighborhood Code Compliance Division established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due.
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

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

- Section 1. The fees in the aggregate amount not to exceed \$41,701 and reasonable penalties in the aggregate amount not to exceed \$15,514 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on January 26 and February 23, 2011. The amount of penalties may be reduced by staff for any purpose that serves to facilitate abatement of nuisance conditions upon properties within the City of Sacramento.
- Section 2. As provided in Section 38773.5 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.
- Section 3. 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 4. Such lien also constitutes a personal obligation against the owner of the property.

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Exhibit A – List of Properties to be Liened

EXHIBIT A

NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	TYPE	CD	COUNTY CODE
1	007-0164-008-0000	10-017981	2522 CAPITOL AV	ZANOLIO JULIE K (Est Of) C/O EVAN S. BROWN	\$600.00	CEDCNU03161	F	3	0206
2	011-0117-010-0000	10-014437	4308 T ST	ANDERSON-LEE BROOKE PAMELA/JEFFREY JONATHAN	\$900.00	CEDCNU03082	F	6	0206
3	014-0085-046-0000	10-008523	2624 STOCKTON BL	STOCKTON BLVD PARTNERS LLC C/O JOHN SACA	\$3,980.6	CEDCNU03146	F	5	0206
4	014-0183-006-0000	10-015131	3038 40TH ST	GORDON LANE	\$1,788.79	CEDCNU0385	F	5	0206
5	020-0131-044-0000	10-015129	4216 38TH ST	SARASAU NEMANI	\$2,235.04	CEDCNU03066	F	5	0206
6	020-0131-055-0000	10-013930	3645 18TH AV	MARCROFT DONALD W	\$313.61	CEDCNU03144	F	5	0206
7	021-0261-013-0000	09-044696	4455 71ST ST	NICHOLAS W. PONTLIANA III	\$1,014.66	CEDCNU03149	F	6	0206
8	021-0261-013-0000	09-044696	4455 71ST ST	NICHOLAS W. PONTLIANA III	\$1,500.00	CEDCEA00476	P	6	0206
9	022-0151-003-0000	10-009431	0 26TH AV	UJAGAR AMANDEEP K	\$913.83	CEDCNU03073	F	5	0206
10	022-0151-004-0000	10-009432	3280 26TH AV	UJAGAR AMANDEEP K	\$913.83	CEDCNU03072	F	5	0206
11	023-0075-021-0000	10-022137	4991 EMERSON RD	MELUSKY WALTER S JR/PHYLLIS M	\$313.61	CEDCNU03162	F	6	0206
12	023-0152-029-0000	10-013423	5061 STONER DR	MEJIA JOSE M/LOURDES Z	\$262.13	CEDCNU03143	F	6	0206
13	025-0062-004-0000	10-016895	5612 23RD ST	ROSEMARY J HANSEN FAMILY TRUST	\$1,013.83	CEDCNU03083	F	4	0206
14	035-0074-009-0000	10-013489	6125 MCLAREN AV	TURNER ARLEE	\$1,702.96	CEDCNU03064	F	4	0206
15	035-0332-006-0000	10-013326	7120 TAMOSHANTER WY	HUSSEN SHAMSUN NISHA/ZAKIR	\$1,367.97	CEDCNU03084	F	5	0206
16	040-0095-010-0000	10-020960	7806 50TH AV	KETCHUM ROSIE L/GLADYS SMITH	\$482.84	CEDCNU03069	F	6	0206
17	040-0133-008-0000	10-013491	7608 BELLINI WY	JASPER SHEILA/WILLIE GAINES	\$900.00	CEDCNU03137	F	6	0206
18	041-0024-029-0000	10-022858	2751 WAH AV	SHANKAR EDWIN R	\$900.00	CEDCNU03140	F	5	0206
19	049-0061-002-0000	10-015770	2451 CASA LINDA DR	RAMIREZ MARIA	\$913.83	CEDCNU03079	F	8	0206
20	049-0187-003-0000	10-020909	7397 FLORES WY	CREATE WEALTH REAL ESTATE INCORPORATED	\$782.96	CEDCNU03158	F	8	0206
21	052-0073-009-0000	10-012898	2162 FERRAN AV	SULLIVAN MICHAEL	\$1,013.83	CEDCNU03087	F	8	0206

22	052-0073-009-0000	10-012898	2162 FERRAN AV	SULLIVAN MICHAEL	\$2,013.83	CEDCEA00463	P	8	0206
23	052-0250-037-0000	10-011403	2070 EXPEDITION WY	LUU THYTHU THI/THYTU THI	\$1,113.61	CEDCNU03147	F	8	0206
24	117-0240-059-0000	10-010247	7818 GRANDSTAFF DR	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$1,000.00	CEDCNU03150	F	7	0206
25	117-0240-059-0000	10-010247	7818 GRANDSTAFF DR	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$2,000.00	CEDCEA00477	P	7	0206
26	117-0430-025-0000	10-015245	1 LIMITED CT	LE XE THI	\$1,357.91	CEDCNU03148	F	7	0206
27	117-1440-099-0000	10-010767	8719 WHITEHOUSE RD	SANDHU LAKHWINDER KAUR	\$500.00	CEDCNU03068	F	8	0206
28	118-0011-005-0000	10-012758	7600 QUINBY WY	MAZZONI FREDRICK A/KAY F	\$900.00	CEDCNU03058	F	8	0206
29	201-0770-056-0000	10-014073	1850 ZURLO WY	DONNIE STOTT	\$1,000.00	CEDCNU03067	F	1	0206
30	201-0770-056-0000	10-014073	1850 ZURLO WY	DONNIE STOTT	\$1,000.00	CEDCEA00460	P	1	0206
31	225-0622-007-0000	10-017986	1921 BANNON CREEK DR	MARVEL LOUISE/HISAHO H KOYASA	\$1,142.66	CEDCNU03145	F	1	0206
32	226-0260-024-0000	10-010690	1015 MAIN AV	MONTEON ABEL/DELFINA SILVA	\$900.00	CEDCNU03081	F	2	0206
33	226-0290-049-0000	10-015294	924 RIO ROBLES AV	FINDLAY KELLY	\$400.55	CEDCNU03164	F	2	0206
34	226-0400-071-0000	10-010446	15 TAJERO CT	RICO ANTONIO	\$313.61	CEDCNU03163	F	2	0206
35	237-0390-037-0000	10-009214	4401 BAUMGART WY	AHR ROBIN P	\$262.13	CEDCNU03157	F	2	0206
36	237-0550-002-0000	10-022875	1279 LAMBERTON CR	VASQUEZ LOUIE R	\$313.61	CEDCNU03167	F	2	0206
37	237-0550-038-0000	10-007547	1280 BELL AV	POHAHAU TUPOU	\$913.83	CEDCNU03074	F	2	0206
38	238-0092-022-0000	10-010074	406 STILLWELL CT	N VEST N REAL ESTATE SERVICES	\$298.95	CEDCNU03160	F	2	0206
39	250-0091-009-0000	10-013539	632 GRAND AV	EKKAPHANH BARRY B	\$997.28	CEDCNU03061	F	2	0206
40	250-0102-002-0000	10-008055	508 KESNER AV	VILLANUEVA HOMERO/VIRGINIA	\$487.66	CEDCGR00052	F	2	0206
41	250-0113-027-0000	10-020738	705 SOUTH AV	NARAYAN SABNESH/VINESHNI	\$385.89	CEDCNU03156	F	2	0206
42	252-0025-005-0000	10-009707	3945 DAYTON ST	PAVAL RADU/DANIELA	\$100.00	CEDCNU03080	F	2	0206
43	252-0181-002-0000	10-010377	3641 PINELL ST	KIMES AIDA M/ROBERT L JR	\$3,038.39	CEDCNU03153	F	2	0206
44	262-0062-011-0000	10-020993	449 TENAYA AV	DOUGHERTY ROBERT J/HOLLY M	\$385.89	CEDCNU03077	F	1	0206
45	263-0022-012-0000	09-049831	418 ARCADE BL	HOUSING GROUP FUND LLC	\$1,000.00	CEDCNU03011	F	2	0206

46	263-0022-012-0000	09-049831	418 ARCADE BL	HOUSING GROUP FUND LLC	\$1,500.00	CEDCEA00451	P	2	0206
47	263-0022-012-0000	09-049831	418 ARCADE BL	HOUSING GROUP FUND LLC	\$2,500.00	CEDCEA00452	P	2	0206
48	263-0131-027-0000	10-010979	2700 NORWOOD AV	GALAXY LENDING	\$298.95	CEDCNU03166	F	2	0206
49	265-0052-011-0000	10-013511	1530 ARCADE BL	EVERSON MONIQUE/JONATHAN	\$1,536.85	CEDCNU03155	F	3	0206
50	266-0153-034-0000	09-041011	1938 MARCONI	ROBINSON ROBERT	\$337.82	CEDCNU03142	F	3	0206
51	266-0153-034-0000	09-041011	1938 MARCONI	ROBINSON ROBERT	\$4,999.99	CEDCEA00475	P	3	0206
52	266-0170-010-0000	10-015640	2108 JULIESSE AV	SEMERIA MICHAEL H/CHARLOTTE M	\$400.55	CEDCNU03165	F	3	0206
				TOTAL:	\$57,214.28				