

Meeting Date: 7/22/2014

Report Type: Public Hearing

Report ID: 2014-00397

Title: Delinquent Charges - Special Assessment and Liens for Weed Abatement on Private Property and Related Costs (Noticed 05/14/2014)

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion, pass a Resolution confirming the special assessments and placing a lien on the listed properties listed in Exhibit A for unpaid weed abatement services.

Contact: Brad Wasson, Revenue Manager, (916) 808-5724, Department of Finance

Presenter: Brad Wasson, Revenue Manager, (916) 808-5724, Department of Finance

Department: Finance

Division: Enforcement And Collection

Dept ID: 06001241

Attachments:

1-Description/Analysis

2-Background

3-Attachment 1 Lien Summary

4-Attachment 2 Lien Protest & Hearing

5-Resolution

6-Exhibit A

City Attorney Review

Approved as to Form

Steve Itagaki

7/16/2014 4:30:14 PM

Approvals/Acknowledgements

Department Director or Designee: Leyne Milstein - 7/8/2014 3:27:57 PM

Description/Analysis

Issue Detail: Section 8.28.040 of the City Code states that costs for weed and rubbish abatement shall be assessed against the parcel as a lien or made a personal obligation of the owner, and may be made a special assessment. Section 8.28.030 requires the City to include an administrative charge to cover incidental expenses, costs incurred in the preparation of notices, specifications and contracts, inspecting the work, as well as the costs of printing and mailing of notices. This public hearing is for the City Council to confirm, reject, or modify the delinquency lien hearing officer's report and to order that the costs of abatement be assessed as a lien and be made a special assessment 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: Property owners have received notice and the opportunity to protest these charges, including a hearing with a Delinquency Lien Hearing Officer (Attachment 2). City Code requires the City Council to conduct a public hearing at which it shall confirm, reject or modify the delinquency lien hearing officer's report, 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 is not required to hear the objections of any property owner who did not previously appear before the delinquency lien hearing officer.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): This report concerns administrative activities that will not have any significant effect on the environment and that do not constitute a "project" as defined by CEQA [CEQA Guidelines Sections 15061(b)(3); 15378(b)(2)].

Sustainability: None

Commission/Committee Action: None

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 abate the weeds 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 weed abatement services provided are \$35,689.77 (Attachment 1).

There were three weed abatement hearings that required 90 minutes for a total cost of \$75.00 for services of the Delinquency Lien Hearing Officer.

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

Local Business Enterprise (LBE): Not applicable

Background

The City has been utilizing a Delinquency Lien Hearing Officer to hear protests of liens and special assessments 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 3) attached to the report. As required under applicable provisions of the City Code and/or State law, all property owners were noticed 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 1 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 2 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.

FY 2013 / 2014 Annual Special Assessments and Lien Summary – Weed Abatement

No. of Notices Mailed	Total Amount Due - All Notices	No. Accounts Paid In Full	No. Accounts removed for Payment Plan or other reason	No. Accounts removed for other collection action (NON-LIENABLE)	No. of Protests Received	No. of Protests converted to payment plans	No. of Protests removed from Lien	No. of Protests Fees Reduced	No. of Hearings Held	No. of Accounts to Lien	Total Amount Due to Liens
169	\$71,139.92	80	14	15	25	0	6	15	3	79	\$35,689.77

FY 2013/2014

Annual Special Assessment Weed Abatement Protest and Hearing Dispositions

Attachment 2

Name	Invoice #	Weed Location	APN #	Council Dist	Protest Findings	Hearing Requested Y/N	Hearing Disposition	Original Amount Due	Final Amount Due
Long Live Properties	CDDFWA08678	4123 Rio Linda Bl	237-0192-020-0000	2	Fees Due	N	N/A	228.79	\$228.79
Robert Pecora	CDDFWA08787 CDDFWA08788	Luther Drive	049-0010-038-0000	8	Fees Waived	N	N/A	581.53	\$0.00
Vu Nguyen	CDDFWA08739	315 Morey Av	250-0341-010-0000	2	Fees Waived	N	N/A	245.21	\$0.00
Fann Family Trust	CDDFWA08680	2940 Ramona Av	079-0241-014-0000	6	Fees Due	N	N/A	1199.56	\$1,199.56
Comerica Bank	CDDFWA08733	5985 Riverside Bl	029-0021-016-0000	4	Fees Waived	N	N/A	525.64	\$0.00
Dos Rios Ventures	CDDFWA8768	N D Street	001-0111-008-0000	3	Fees Waived	N	N/A	338.24	\$0.00
Dos Rios Ventures	CDDFWA08702	N D Street	001-0111-002-0000	3	Fees Waived	N	N/A	338.24	\$0.00
Dos Rios Ventures	CDDFWA08639	N D Street	001-0111-003-0000	3	Fees Waived	N	N/A	265.79	\$0.00
Stockton Blvd Partners	CDDFWA08767	2624 Stockton Bl	014-0085-046-0000	5	Fees Due	Y	Fees Reduced	1278.68	\$909.68
King L / Linda F Won	CDDFWA08571	1185 Ciric Av	274-0700-009-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00
King L / Linda F Won	CDDFWA08572	1175 Ciric Av	274-0700-010-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00
King L / Linda F Won	CDDFWA08573	1165 Ciric Av	274-0700-011-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00
King L / Linda F Won	CDDFWA08574	1155 Ciric Av	274-0700-012-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00
King L / Linda F Won	CDDFWA08575	1145 Ciric Av	274-0700-013-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00

Name	Invoice #	Weed Location	APN #	Council Dist	Protest Findings	Hearing Requested Y/N	Hearing Disposition	Original Amount Due	Final Amount Due
King L / Linda F Won	CDDFWA08576	1135 Ciric Av	274-0700-014-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00
King L / Linda F Won	CDDFWA08577	1125 Ciric AV	274-0700-015-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00
King L / Linda F Won	CDDFWA08578	1115 Ciric AV	274-0700-016-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00
King L / Linda F Won	CDDFWA08579	1105 Ciric Av	274-0700-017-0000	3	Fees Due	Y	Fees Reduced	357.24	\$245.00
King L / Linda F Won	CDDFWA08565	2519 Reiner Av	274-0700-001-0000	3	Fees Due	Y	Fees Reduced	236.11	\$167.11
King L / Linda F Won	CDDFWA07075	1225 Ciric AV	274-0700-005-0000	3	Fees Due	Y	Fees Reduced	257.24	\$185.00
King L / Linda F Won	CDDFWA07076	1215 Ciric Av	274-0700-006-0000	3	Fees Due	Y	Fees Reduced	257.24	\$185.00
King L / Linda F Won	CDDFWA07077	1205 Ciric Av	274-0700-007-0000	3	Fees Due	Y	Fees Reduced	257.24	\$185.00
King L / Linda F Won	CDDFWA07078	1195 Ciric Av	274-0700-008-0000	3	Fees Due	Y	Fees Reduced	257.24	\$185.00
John Coyle / Janet Chou Living Trust	CDDFWA08675	1120 Sonoma Av	265-0082-034-0000	2	Fees Due	Y	Fees Due	229.25	\$229.25

RESOLUTION NO.

Adopted by the Sacramento City Council

DECLARING THE DELINQUENT COSTS FOR WEED ABATEMENT WORK FOR 2012 AND 2013 AS SPECIAL ASSESSMENTS AND LIENS ON THE PROPERTIES UPON WHICH THE ABATEMENTS WERE PERFORMED

BACKGROUND

- A. In accordance with Sacramento City Code, Title 8, the owners of the real properties described in Exhibit A have been noticed and informed of the opportunity to protest the placing of unpaid weed abatement costs upon the described real properties as liens.
- B. Each property owner noticed has been afforded an opportunity for an administrative appeal, 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. Background Statements A through E are true and correct.
- Section 2. All protests have been considered and have been rejected, revised, or confirmed.
- Section 3. The reasonable cost for unpaid weed abatement performed shall not exceed \$35,689.77 as set forth in Exhibit A. This amount may be reduced as staff determines necessary.
- Section 4. That, as provided in Section 39577 of the California Government Code, the costs of abatement 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 5. That a lien shall attach on the described properties upon recordation of this order in the Office of the County Recorder of the County of Sacramento.

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.

FY 2013/2014

Weed Abatement

Exhibit A

Customer ID	Item ID	Name	Parcel #	Property Address	Service Date	Total Due
5C47FC15	CDDFWA08662	KEVIN SCOTT NELSON	001-0081-010-0000	0 VINE ST	10/15/2013	\$1,014.85
238DAB9A	CDDFWA08618	S D Hogan	014-0247-005-0000	4240 11TH AV	7/15/2013	\$357.24
713CD5B0	CDDFWA08676	TRENT S LEVINSON	014-0251-049-0000	3525 44TH ST	9/21/2013	\$284.79
C217E698	CDDFWA08736	WEST FOOTHILLS DEVELOPMENT LLC	015-0061-034-0000	0 58TH ST	7/12/2013	\$438.03
B775ADC7	CDDFWA08727	Mary Thelma & Holly D Clark	020-0133-001-0000	3810 16TH ST	7/14/2013	\$284.79
29DFE104	CDDFWA08623	SINGH JASMEL/JAGDEEP	036-0043-002-0000	6200 VENTURA ST	4/24/2013	\$258.56
F637CBE2	CDDFWA08773	SOIN RAJESH	036-0105-001-0000	2400 49TH AV	4/25/2013	\$259.24
5DF1CC64	CDDFWA08664	KRISHNA LIVING TRUST	038-0182-005-0000	0 63RD ST	10/12/2013	\$880.53
9DF1BC5A	CDDFWA08708	KRISHNA LIVING TRUST	038-0202-001-0000	6301 63RD ST	10/12/2013	\$1,643.06
5A438DA9	CDDFWA08659	VALLE AURELIA S	038-0202-003-0000	6333 ELDER CREEK RD	10/13/2013	\$880.53
5A438DA9	FIRFWA05244	VALLE AURELIA S	038-0202-003-0000	6333 ELDER CREEK RD	4/30/2012	\$198.51
56561FB7	CDDFWA08655	KRISHNA LIVING TRUST	038-0210-065-0000	6451 ELDER CREEK RD	10/13/2013	\$3,050.77

Customer ID	Item ID	Name	Parcel #	Property Address	Service Date	Total Due
00110884	CDDFWA08782	JOSH LLC	041-0064-008-0000	2711 LOCK AV	4/24/2013	\$539.41
5BFF5915	CDDFWA08661	SAKAI LYNN YASUKO	048-0081-007-0000	0 HENRIETTA DR	4/23/2013	\$365.04
354C4297	CDDFWA08631	SHARMA VINOD/RAJMINDER/OM KAPOOR/ANJANA	049-0021-006-0000	2860 FLORIN RD	4/23/2013	\$292.55
0C8A170A	CDDFWA08600	WESTERN PACIFIC R/R CO	053-0010-004-0000	0 ANN ARBOR WY	5/1/2013	\$297.55
EDECFB4E	CDDFWA08765	WESTERN PACIFIC RAILROAD CO	053-0010-005-0000	0 ANN ARBOR WY	5/1/2013	\$334.74
5AAFC8C1	CDDFWA08660	TRAN TOM	053-0101-008-0000	0 SHRADER CR	5/2/2013	\$276.34
EC4A8CB1	CDDFWA08762	ARNOLD TROY/GARY JOHNSON	117-0140-001-0000	8590 BRUCEVILLE RD	6/4/2013	\$258.65
8F43064E	CDDFWA08698	JOHNSON CAROLYN C/GREGORY J	117-0182-009-0000	0 COTTON LN	6/4/2013	\$335.04
4CB1616F	CDDFWA08644	ADAIR BRETT	117-0182-010-0000	0 STOCKTON BL	6/4/2013	\$218.75
E280CDB8	CDDFWA08755	JOHNSON CAROLYN C/GREGORY J	117-0182-013-0000	7801 COTTON LN	6/3/2013	\$218.75
A17CD93E	CDDFWA08713	BIRRING INDERJIT S / LAJ CONSTRUCTION CORP	117-0202-029-0000	0 JACINTO RD	6/4/2013	\$967.89
26F95BA0	CDDFWA08621	LAJ CONSTRUCTION INC	117-0202-041-0000	0 SHASTA AV	6/4/2013	\$781.27

Customer ID	Item ID	Name	Parcel #	Property Address	Service Date	Total Due
501C629D	CDDFWA08650	LAJ CONSTRUCTION INC	117-0202-042-0000	0 SHASTA AV	6/4/2013	\$846.09
793C2623	CDDFWA08684	LAJ CONST INC	117-0211-024-0000	8740 BRUCEVILLE RD	6/4/2013	\$645.18
84DDA2B6	CDDFWA08689	WLD LLC / LAGUNA VERDE	117-0920-056-0000	6651 JACINTO AV	6/5/2013	\$790.31
52DAFFF7	CDDFWA08653	BRIDGEPARK HOMES INC	215-0230-060-0000	5430 DRY CREEK RD	10/29/2013	\$265.11
52DAFFF7	FIRFWA05767	BRIDGEPARK HOMES INC	215-0230-060-0000	5430 DRY CREEK RD	7/15/2012	\$124.00
00112189	CDDFWA08568	PROMENADE CIRCLE INVESTORS LLC	225-2110-035-0000	3666 N FREEWAY BL	7/6/2013	\$282.31
00112207	CDDFWA08581	PROMENADE CIRCLE INVESTORS LLC	225-2110-036-0000	3664 N FREEWAY BL	7/6/2013	\$321.49
F8084D1C	CDDFWA08775	SHEHADEH ABDELKARIM A	226-0062-004-0000	5330 RIO LINDA BL	10/24/2013	\$208.25
9905CD39	CDDFWA08705	SHEHADEH ABDELKARIM A	226-0062-008-0000	0 RIO LINDA BL	10/24/2013	\$418.25
4E0F39DB	CDDFWA08646	SHEHADEH ADDELKARIM A	226-0062-009-0000	5240 RIO LINDA	10/24/2013	\$218.75
F890FC17	CDDFWA08776	SHEHADEH ABDELKARIM A	226-0062-011-0000	0 RIO LINDA BL	10/24/2013	\$1,387.19
34E56669	CDDFWA08630	SHEHADEH ABDELKARIM A	226-0102-001-0000	5240 RIO LINDA BL	10/24/2013	\$489.01

Customer ID	Item ID	Name	Parcel #	Property Address	Service Date	Total Due
FF1BF2C2	CDDFWA08779	COLEMAN MICHELLE ETAL	237-0081-041-0000	4417 MAY ST	7/24/2013	\$422.38
00112190	CDDFWA08569	MEK SACRAMENTO LLC	237-0180-030-0000	0 JESSIE AV	8/5/2013	\$239.75
1C08E76D	CDDFWA08612	JBT INHERITANCE TAX SAVING LLC	237-0241-022-0000	1531 NORTH AV	9/24/2013	\$281.05
00112180	CDDFWA08562	SHUMAN MEL	237-0670-033-0000	0 LIAMA CREEK WY	7/24/2013	\$558.64
30A6E0C0	CDDFWA08626	CASTANEDA FELIPE/LAURA	238-0201-007-0000	2230 MOGAN AVE	7/30/2013	\$265.37
4341D534	CDDFWA08637	NGUYEN MY	238-0201-088-0000	2200 MOGAN AV	8/19/2013	\$309.57
29CBBFCD	CDDFWA08622	ACLI 1 LLC	250-0030-001-0000	0 MOREY AV	7/12/2013	\$250.53
65214D17	CDDFWA08670	MANIVANH SEBASTIAN S	250-0091-023-0000	3722 TAYLOR ST	7/9/2013	\$203.63
475B5EF1	CDDFWA08642	KENG F/YING V YANG FAMILY LP	250-0122-002-0000	40 SOUTH AV	7/15/2013	\$278.93
E5CCDEFB	CDDFWA08759	GAMINO CESAR H	250-0122-015-0000	3500 WESTERN AV	7/15/2013	\$445.90
23651CEE	CDDFWA08617	NEWBERRY SYLVIA/ROBERT BETZLER	250-0130-036-0000	131 SILVER EAGLE RD	7/15/2013	\$407.27
B4D7E18F	CDDFWA08725	MAIN STATE PROJECT LLC	250-0130-037-0000	85 SILVER EAGLE RD	7/15/2013	\$239.75

Customer ID	Item ID	Name	Parcel #	Property Address	Service Date	Total Due
4FF6CC4A	CDDFWA08649	GILL MANJIT S	250-0150-026-0000	3533 ALTOS AV	7/22/2013	\$288.05
00112209	CDDFWA08582	WEST DPH LLC	250-0342-009-0000	0 SOUTH AV	7/15/2013	\$452.43
FFD908D8	CDDFWA08780	WEST DPH LLC	250-0342-029-0000	250 MOREY AV	7/11/2013	\$331.46
305693AD	CDDFWA08625	S/K INV GROUP LLC	250-0352-007-0000	30 MORRISON AV	7/12/2013	\$573.52
341ABAF6	CDDFWA08629	VIRK CHARANHJEEV S/KAMALPREET K	250-0440-067-0000	190 MORRISON AV	9/24/2013	\$288.59
9E41999D	CDDFWA08709	VIRK CHARANHJEEV S/KAMALPREET K	250-0440-069-0000	18 ROSCOMMON CT	9/24/2012	\$288.59
BA7D3890	CDDFWA08730	VIRK CHARANHJEEV S/KAMALPREET K	250-0440-070-0000	12 ROSCOMMON CT	9/24/2013	\$288.59
4BA73D3A	CDDFWA08643	VIRK CHARANHJEEV S / KAMALPREET K	250-0440-071-0000	6 ROSCOMMON CT	9/24/2013	\$288.59
82B83585	CDDFWA08688	VIRK CHARANHJEEV S / KAMALPREET K	250-0440-072-0000	180 SUGNET WY	9/24/2013	\$552.03
7362302F	CDDFWA08679	VIRK CHARANHJEEV S / KAMALPREET K	250-0440-073-0000	190 SUGNET WY	9/24/2013	\$315.25
3B007902	CDDFWA08633	Jimmy Chanthorn / Samsinsawasdi Praisait	251-0072-001-0000	3844 CLAY ST	9/18/2013	\$498.98
15D6FB68	CDDFWA08606	STIMSON KENNETH L	251-0083-014-0000	1537 GRAND AV	7/8/2013	\$199.00

Customer ID	Item ID	Name	Parcel #	Property Address	Service Date	Total Due
D3111BE2	CDDFWA08746	GREEN WILLIAM E	251-0181-005-0000	1500 SOUTH AV	9/24/2013	\$266.36
A286A6AC	CDDFWA08715	BRIDGEPARK HOMES INC	251-0222-012-0000	3373 MARYSVILLE BL	9/18/2013	\$343.83
F748B2AC	CDDFWA08774	LCGI MTG FUND LLC	252-0193-017-0000	0 SOUTH AV	8/21/2013	\$309.58
D10B74F7	CDDFWA08744	LCGI MTG FUND LLC	252-0203-020-0000	0 RIPLEY ST	8/21/2013	\$404.08
0DEC0615	CDDFWA08602	LCGI MTG FUND LLC	252-0251-003-0000	2228 SOUTH AV	8/21/2013	\$398.83
F9A8FD23	CDDFWA08777	LCGI MTG FUND LLC	252-0251-026-0000	0 DEL PASO BL	8/21/2013	\$404.08
0113CD76	CDDFWA08595	LCGI MTG FUND LLC	252-0251-030-0000	0 SOUTH AV	8/21/2013	\$414.31
326FF222	CDDFWA08628	LCGI MTG FUND LLC	252-0253-011-0000	0 DEL PASO BL	8/21/2013	\$224.00
41BEF7B9	CDDFWA08636	DONAHUE FRANK P	262-0261-020-0000	321 PERALTA AV	9/18/2013	\$494.54
0184562F	CDDFWA08596	DONAHUE FRANK P	262-0261-021-0000	0 PERALTA AV	9/18/2013	\$283.50
30655482	CDDFWA08587	SRM INDS	263-0141-028-0000	611 ELANOR AV	6/21/2013	\$199.00
E5AB5137	CDDFWA08758	GATTON GORDON J/LYNN A/JUANITA/ASA J	263-0242-002-0000	610 SANTIAGO AV	9/27/2013	\$553.83

Customer ID	Item ID	Name	Parcel #	Property Address	Service Date	Total Due
566871A8	CDDFWA08656	SCHMITZ RAYMOND C/SHARON G/TR	265-0072-027-0000	3040 RIO LINDA BL	9/4/2013	\$288.50
9A31A97B	CDDFWA08706	GILLESPIE EUGENE/LINDA L	265-0323-028-0000	2565 LEXINGTON ST	6/21/2013	\$199.00
8138F134	CDDFWA08687	DAHLBECK GARY	266-0282-007-0000	1926 HELENA AV	7/2/2013	\$495.56
B142F806	CDDFWA08723	MINERVA BARRIENTOS	274-0171-011-0000	521 JEFFERSON AV	10/7/2013	\$308.99
D8A925AE	CDDFWA08749	MIGUEL R RAMIREZ	274-0181-002-0000	341 JEFFERSON AV	10/7/2013	\$463.34
8A0F759E	CDDFWA08695	NORTHVIEW VILLAGE APARTMENTS LLC	274-0232-012-0000	2350 NORTHVIEW DR	7/10/2013	\$349.72
3C187106	CDDFWA08634	HENRY MICHAEL J	274-0243-005-0000	616 NORTHFIELD DR	8/20/2013	\$588.05

\$35,689.77