



# REPORT TO COUNCIL

## City of Sacramento

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

Public Hearing  
July 25, 2006

Honorable Mayor and  
Members of the City Council

**Title:** Delinquent Charges – Special Assessment Liens Upon the Properties to  
Which the Costs are Related

**Location/Council District:** All

**Recommendation:** 1) Conduct a public hearing and upon conclusion, adopt the attached **Resolution**, placing special assessment liens on the properties for unpaid sidewalk repairs; and 2) Conduct a public hearing and upon conclusion, adopt the attached **Resolution** placing special assessment liens on properties for unpaid Weed Abatement; and 3) Conduct a public hearing and upon conclusion, adopt the attached **Resolution** placing special assessment liens on properties for unpaid Utility Service charges.

**Contact:** Brad Wasson, Revenue Manager, 808-5844; Jamille Moens, Customer Service Manager, 808-5988

**Presenters:** Brad Wasson, Revenue Manager, 808-5844; Jamille Moens, Customer Service Manager, 808-5988

**Department:** Department of Finance/Utilities

**Division:** Revenue Division/Business Services

**Organization No:** 1121/3352

### Description/Analysis

**Issue:** These public hearings are for City Council to confirm, reject or modify the delinquency lien reports and to confirm special assessment liens against properties with unpaid charges related to the properties. This is the final step the City takes before placing liens on the property with the Sacramento County Tax Collector.

**Policy Considerations:** Property owners have received notice and the opportunity to protest the charges, including a hearing with a Delinquency Lien Hearing Officer (see Attachments 2-5, Pg 6-11). State law and/or City Code



require the City Council to confirm these special assessment liens after a public hearing, 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. 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 Air Guidelines (administrative activities that will not result in environmental impact), this is not a project under the CEQA.

**Rationale for Recommendation:** These special assessments are for services the City has already provided to the property owner. The property owners had been given ample opportunity to repair sidewalk damages, abate the weeds themselves or bring utility service charges current. Consequently, the City has paid for these services and needs to recover the costs incurred.

**Financial Considerations:** The unpaid cost incurred for services provided are as follows:

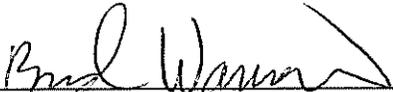
Sidewalk Repairs	\$57,124.02
Weed Abatements	\$50,809.35
Utility Services	\$5,093,518.40

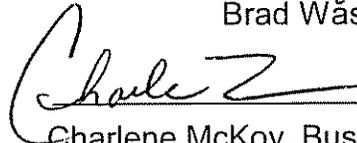
A Delinquency Lien Hearing Officer was paid \$50 an hour. There were 3 sidewalk repair hearings and 4 utility billing hearings held, which required a total of 8.75 hours for a total cost of \$437 50.

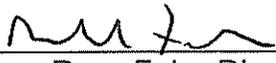
City staff time was required for scheduling the hearings, the notices to property owners, and the final noticing for hearings held. All the costs are included in both the Revenue Division and Business Services Division operating budgets and no additional funding is requested or required.

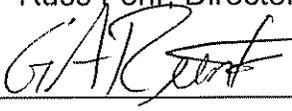
**Emerging Small Business Development (ESBD):** There is no requirement for purchase of goods or services associated with this item.

Respectfully Submitted by:

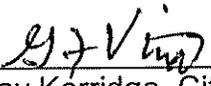
  
Brad Wasson, Revenue Manager

  
Charlene McKoy, Business Services Manager

Approved by:   
Russ Fehr, Director of Finance

  
Gary A. Reents, Director of Utilities

Recommendation Approved:

  
Ray Kerridge, City Manager

**Table of Contents:**

	Pg	1	Report
<b>Attachments</b>			
1	Pg	5	Background
2	Pg	6	Annual Lien/Special Assessment Summary
3	Pg	7	Delinquent Sidewalk Repair Costs Protests
4	Pg	8	Delinquent Weed Abatement Charges Protests
5	Pg	10	Delinquent Utility Service Charges Protests
6	Pg	12	Resolution
		14	Exhibit A – Delinquent Sidewalk Repair Costs
7	Pg	18	Resolution
		20	Exhibit A – Delinquent Weed Abatement Costs
8	Pg	21	Resolution
	Pg	23	Exhibit A – Delinquent Utility Service Charges

Attachment 1

**Background Information**

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 the Exhibits to each of the 3 Resolutions attached to the report (see Attachments 6, 7, and 8). 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, provided an opportunity to resolve the issue with City staff, and were provided an opportunity for a hearing before a Delinquency Lien Hearing Officer if they so requested. Attachment 2 (pg 6) is a summary listing, by type, 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.

Attachments 3 - 5 (page 7-11), lists, by type, each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing held are included.

Attachment 2

City of Sacramento

FY 2005/2006 Annual Special Assessments and Lien Summary

	No. of Lien Notices Mailed	Total Amount Due All Notices	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 [as of 6/30/06] (1)
Unpaid costs for delinquent:								
Sidewalk Repairs	69	\$83,236.13	3	0	0	1	3	\$57,124.02
Weed Abatement	266	\$77,905.53	24	0	16	6	0	\$50,809.35
Utility Services	7,236	\$5,855,362.09	12	1	2	1	4	\$5,093,518.40

(1) Total amount of liens accounts for payments received after the lien notices were mailed April 17, 2006

Attachment 3

Delinquent Sidewalk Repair Costs Protests

Name	APN	Address	Amount Due	Council District	Staff Findings	Hearing Status
Crull, Sariah H. & Jonathan T.	010-0116-013-0000	2120 27th Street	\$806.00	4	Fees Due	Fees Reduced to \$403.00
Moore Family Living Trust	003-0146-009-0000	2624 E Street	\$1,070.33	3	Fees Due	Fees Due
Stratton, Sara K	007-0043-008-0000	2822 H Street	\$1,399.83	3	Fees Due	Fees Due

Attachment 4  
Page 1 of 2

## Delinquent Weed Abatement Charges Protests

Name	APN	Address	Amount Due	Council District	Staff Findings	Hearing Status
Antioch Progressive Baptist	052-0010-080-0000	7650 Amherst Street	\$335.00	8	Fees Waived	No hearing requested
Banh, Richard	027-0252-033-0000	5875 Wilkinson Street	\$178.00	6	Fees Waived	No hearing requested
					Fees Adjusted To \$1,463.00	
Bannon Investors Ltd	274-0042-035-0000	West El Camino	\$1,573.00	1	Fees Due	No hearing requested
East Main Bldg	117-0132-001-0000	Ehrhardt Ave	\$717.60	7	Fees Waived	No hearing requested
Expo Pointe LLC	275-0310-028-0000	Exposition Bl	\$447.50	2	Fees Waived	No hearing requested
Ford Rivera LLC	251-0292-033-0000	900 Rivera Dr	\$170.00	2	Fees Waived	No hearing requested
Frito Lay Inc	215-0241-012-0000	Ascot Ave	\$1,850.90	2	Fees Paid	No hearing requested
Gateway West LLC	225-0140-035-0000	Arena Bl	\$1,202.00	1	Fees Waived	No hearing requested
Gateway West LLC	225-0140-037-0000	Arena Bl	\$705.00	1	Fees Waived	No hearing requested
Gateway West LLC	225-0140-039-0000	Duckhorn Dr	\$1,041.00	1	Fees Waived	No hearing requested
Gateway West LLC	225-0140-040-0000	Duckhorn Dr	\$380.00	1	Fees Waived	No hearing requested
Gateway West LLC	225-0140-052-0000	Arena Bl	\$175.00	1	Fees Waived	No hearing requested
Gateway West LLC	225-0140-056-0000	Duckhorn Dr	\$313.70	1	Fees Waived	No hearing requested
Gateway West LLC	225-0140-057-0000	Duckhorn Dr	\$245.00	1	Fees Waived	No hearing requested
Lily Co (The)	049-0050-009-0000	2401 Meadowview Rd	\$246.00	8	Fees Waived	No hearing requested
Nikolaou, Dimitri & Anna	251-0141-015-0000	1064 Roanoke Av	\$195.00	2	Fees Waived	No hearing requested
Northland Village Assoc	250-0331-018-0000	3755 Modlin Way	\$200.00	2	Fees Waived	No hearing requested
Shree Hari Shiwa Shati Inc	251-0291-003-0000	3225 Rio Linda Blvd	\$180.00	2	Fees Waived	No hearing requested

Attachment 4  
Page 2 of 2

## Delinquent Weed Abatement Charges Protests

Name	APN	Address	Amount Due	Council District	Staff Findings	Hearing Status
South Natomas Inv	274-0320-059-0000	Venture Oaks Way	\$296.75	1	Fees Adjusted to \$186.75	No hearing requested
South Natomas Inv	274-0320-060-0000	Venture Oaks Way	\$170.00	1	Fees Adjusted to \$60.00	No hearing requested
South Natomas Inv	274-0320-061-0000	Venture Oaks Way	\$130.00	1	Fees Adjusted to \$20.00	No hearing requested
South Natomas Inv	274-0320-062-0000	Venture Oaks Way	\$758.90	1	Fees Adjusted to \$648.90	No hearing requested
South Natomas Inv	274-0320-063-0000	Venture Oaks Way	\$175.00	1	Fees Adjusted to \$65.00	No hearing requested
Venilal, Padmi Nagin	002-0171-011-0000	620 16th St	\$168.00	3	Fees Waived	No hearing requested
Zhiry, Lyubov	226-0310-028-0000	1017 Claire Av	\$185.00	2	Fees Waived	No hearing requested

Attachment 5  
Page 1 of 2

## Delinquent Utility Service Charges Protests

Name	APN	Address	Amount Due	Council District	Staff Findings	Hearing Status
Avaricico, Cheryl/Celso	252-0064-007-0000	3821 Lily St	\$792.09	2	Fees Due	None Requested
Banks, Joyce	117-1160-034-0000	8545 Derlin Way	\$521.68	8	Fees Due	Property now in escrow - removed from lien list
Bautista, Jesus	048-0113-017-0000	7557 19th St	\$349.76	8	Payment received- removed from lien list	None Requested
Coleman, Willie	024-0373-012-0000	6698 S. Land Park Dr	\$1,214.75	4	Fees Due	None Requested
Cook, Robert C	006-0012-037-0000	900 2nd St	\$3,335.71	1	Fees Due	Failed to Appear
Cook, Robert C	006-0012-037-0000	900 2nd St	\$5,586.93	1	Fees Due	Failed to Appear
Cook, Robert C	006-0012-036-0000	122 I St	\$1,241.16	1	Fees Due	Failed to Appear

Attachment 5  
Page 2 of 2

## Delinquent Utility Service Charges Protests

Name	APN	Address	Amount Due	Council District	Staff Findings	Hearing Status
Johnson, Billie	047-0101-014-0000	1509 Wakefield Way	\$1,161.18	8	Fees Due	None Requested
Kelly, Kevin	011-0254-022-0000	6210 2nd Ave	\$1,025.32	6	Fees Due	None Requested
Shierka, Evangeline	035-0304-008-0000	1780 60th Ave	\$116.14	5	Fees Due	None Requested
Supaporn, Bui	118-0280-028-0000	114 Audia Cr	\$960.52	8	Fees Due	Fees Found Due
Turner, Jermaine	014-0141-04-0000	2942 La Solidar Way	\$1,340.21	5	Fees Due	Reduced to \$364.52

Attachment 6

**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 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 \$57,124.02 as set forth on Exhibit A. This amount may be reduced as staff determines necessary.

- 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

## Exhibit A

Page 1 of 4

## Delinquent Sidewalk Repair Costs

Name	Address	APN	Council District	Amount
Austin, Bradley C.	4360 71st Street	021-0252-077-0000	8	\$129.64
Babich-Brown Credit Trust/ETAL	2716 V Street	010-0187-006-0000	4	\$7,709.68
Bane, William F.	3148 B Street	003-0113-009-0000	3	\$945.13
Bauer, Marta Bella	3900 Breuner Avenue	005-0034-002-0000	3	\$1,064.78
Burks, Patricia	3204 10th Avenue	013-0332-027-0000	5	\$1,376.36
Cardenas, Boris A.; Cantu, Sandra	541 40th Street	004-0241-026-0000	3	\$859.93
Chavez, Hector	310 Las Palmas	263-0122-002-0000	1	\$1,172.00
Crull, Sariah H.; Crull, Jonathan T.	2120 27th Street	010-0116-013-0000	4	\$403.00
Davis, Bernice	3239 Western Avenue	263-0321-008-0000	2	\$992.76
Eleanor B. Reed Inter Vivos Rev Trust	45 Starlit Circle	030-0073-003-0000	4	\$294.68
Elle, Sandra	3300 40th Street	014-0203-006-0000	5	\$2,039.03

## Exhibit A

Page 2 of 4

## Delinquent Sidewalk Repair Costs

Name	Address	APN	Council District	Amount
Felix, Francis J.	1600 26th Street	007-0333-010-0000	3	\$2,510.08
Fong, Wanda; Lim, Robert K.; Lim, Mamie	2218 1/2 11th Street	009-0193-011-0000	4	\$2,301.65
Garcia, August	3600 1st Avenue	010-0324-003-0000	5	\$1,045.70
Goffney, Leslie F.; Goffney, Emanuel R.	3801 3rd Avenue	014-0091-022-0000	5	\$1,388.98
Harrington, Tinnie Mae; Harper, Tasha R.	3143 4th Avenue	010-0366-013-0000	5	\$863.62
Hatfield, Sheila Y.	2826 H Street	007-0043-009-0000	3	\$644.92
Humphrey, Lisa K.; Williams, Darrell	3625 9th Avenue	013-0341-037-0000	5	\$1,037.41
Jones, Bryn Lloyd; Jones, Victoria Laoula	2232 34th Street	010-0264-001-0000	5	\$2,274.45
Kumar, Ashok; Prabha, Anant	7485 24th Street	049-0131-008-0000	8	\$463.12
Lueras, Joseph A.	3341 10th Avenue	013-0391-008-0000	5	\$199.84
McGee, Robert E.; McGee, Jeanette	3506 10th Avenue	013-0394-019-0000	5	\$979.64

## Exhibit A

Page 3 of 4

## Delinquent Sidewalk Repair Costs

Name	Address	APN	Council District	Amount
Melarkey, Patrick	2431 U Street	010-0111-015-0000	4	\$7,793.50
Melendez, Jose O.; Vargas, Miguel Juan	3424 42nd Street	014-0214-029-0000	5	\$1,062.88
Millar, Fredrick L.	3620 3rd Avenue	010-0385-003-0000	5	\$1,195.78
Millar, L.	331 Las Palmas	263-0283-021-0000	1	\$487.30
Montoya, Ramon A.	329 Delagua Way	237-0283-012-0000	2	\$320.68
Moore Family Living Trust	2624 E. Street	003-0146-009-0000	3	\$1,070.33
Nguyen, Hoa	3140 B Street	003-0113-008-0000	3	\$1,632.87
O'Rourke, James G.	429 40th Street	004-0192-011-0000	3	\$60.00
Osborne, Charles D.	3765 7th Avenue	013-0302-030-0000	3	\$1,419.21
Phillips, Joan Catherine	3741 Bigler	013-0154-023-0000	5	\$705.48
Pitts, Julie E.	3420 9th Avenue	013-0342-024-0000	5	\$1,555.98

## Exhibit A

Page 4 of 4

## Delinquent Sidewalk Repair Costs

Name	Address	APN	Council District	Amount
Ramirez, Bertha; Ramirez, Maria	1209 Helena Avenue	265-0273-019-0000	2	\$94.47
Reed, Ressie Mae; Conley, A.C.	4485 San Sebastian Wy	119-0323-015-0000	7	\$420.00
Riehl, Joseph A.; Riehl, Suzanne M.	1001 41st Street	008-0142-021-0000	3	\$2,993.58
Simpson, Deborah Ruth	3444 9th Avenue	013-0342-025-0000	5	\$763.90
Stratton, Sara K.	2822 H Street	007-0043-008-0000	3	\$1,399.83
Takashiba Family Trust	2830 H Street	007-0043-010-0000	3	\$1,451.84
Vathis, Nick S.	2651 Marquette Drive	079-0102-006-0000	6	\$194.60
Widler, Harold Wayne Jr.	5606 61st Street	027-0023-013-0000	6	\$553.30
Willie J. Deon Living Trust; Deon, Grace	2300 Vardon Avenue	035-0224-001-0000	5	\$1,252.09

**Total to Lien \$57,124.02**

Attachment 7

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**DECLARING THE DELINQUENT COSTS FOR WEED ABATEMENT WORK FOR 2005 AS LIENS ON THE PROPERTIES UPON WHICH THE ABATEMENT WERE PERFORMED**

**BACKGROUND**

- A. In accordance with Sacramento City Code, Title 8, the owners of the real properties described in Exhibit A, on file in the City Clerk's office, have been noticed and informed of the opportunity to protest the placing of unpaid weed abatement fees 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 upon those findings and it was established by competent evidence that in each case the work had been performed by private contractor.
- 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. That the charges set forth in Exhibit A for the abatement of weeds to the real properties described in said Exhibit A are owing and delinquent.

- Section 4. That, as provided in Section 39577 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 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

Exhibit A

LIEN LIST:

ON FILE AND AVAILABLE FOR PUBLIC REVIEW IN THE OFFICE OF  
THE CITY CLERK, HISTORIC CITY HALL, 915 I STREET, 1<sup>ST</sup> FLOOR,  
SACRAMENTO, CA

Attachment 8

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**CONFIRMING DELINQUENT UTILITY SERVICE CHARGES AS SPECIAL ASSESSMENTS AGAINST THE PROPERTIES TO WHICH THE SERVICES WERE RENDERED**

**BACKGROUND**

- A. In accordance with Sacramento City Code, Chapter 13.12, the owners of the real properties that have incurred delinquent utility service charges, identified in Exhibit A, on file in the City Clerk's Office, have been notified of such delinquencies and that subsequent proceedings would be taken to make the unpaid charges a special assessment on the real property to which such utility services were rendered.
- B. In accordance with Sacramento City Code, Chapter 13.12, each property owner identified in Exhibit A has been notified of the owner's opportunity to file an objection or protest against imposing the delinquent utility service charges as a special assessment against the owner's property, including the opportunity for a hearing before a Delinquency Lien Hearing Officer.
- C. The City Council has received the report of the delinquent utility service charges, including a description of the protests filed and the results of the Delinquency Lien Hearing Officer hearing process, which results also were sent to the objecting owners in accordance with Sacramento City Code, Chapter 13.12.
- D. The City Council has held a public hearing on the report of the delinquent utility service charges in accordance with Sacramento City Code, Chapter 13.12.
- E. The City Council has found the total cost for the services to be reasonable and closed the public hearing.
- F. 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 F are true and correct.

- Section 2. All of the protests have been considered and have been rejected, revised, or confirmed.
- Section 3. The charges set forth in Exhibit A for the unpaid utility services charges to the real properties described in Exhibit A are owing and delinquent, and the report of these delinquent utility service charges is confirmed.
- Section 4. The delinquent utility services charges set forth in Exhibit A shall hereafter constitute special assessments against the real properties to which the utility services were rendered, as specified in Exhibit A.
- Section 5. Special assessment liens for the delinquent charges set forth in Exhibit A, against the real properties described in Exhibit A, shall be collectible at the same time and in the same manner as ordinary secured property taxes are collected, and shall be subject to the same penalties, priorities, and procedures provided for delinquent ordinary secured property taxes, as provided in Sacramento City Code, Chapter 13.12.
- 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

Exhibit A

DELINQUENT UTILITY SERVICE CHARGES LIST:  
ON FILE AND AVAILABLE FOR PUBLIC REVIEW IN THE OFFICE OF  
THE CITY CLERK, HISTORIC CITY HALL, 915 I STREET, 1<sup>ST</sup> FLOOR,  
SACRAMENTO, CA

