REPORT TO COUNCIL
City of Sacramento

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

PUBLIC HEARING
August 2, 2005

Honorable Mayor and
Members of the City Council

Subject: Special Assessment: Liens Upon Properties for Unpaid Utility Services Charges, Unpaid Sidewalk Repair Fees and Unpaid Weed Abatement Fees

Location/Council District: Citywide

Recommendation:

Conduct a public hearing and upon conclusion adopt 1) a Resolution placing liens on the properties for unpaid Utility Services charges 2) a Resolution placing liens on the properties for unpaid costs of Sidewalk Repairs performed; and, 3) a Resolution placing liens on the properties for unpaid Weed Abatement.

Contact: Brad Wasson, Revenue Manager, 808-5724
Bill Spencer, Administrative Officer, 808-7827

Presenter: Brad Wasson, Revenue Manager

Department: Finance Department

Division: Revenue Division

Organization No.: 1121

Summary:

Staff recommends that the Mayor and Council approve property liens for unpaid costs related to specific properties. For the three types of unpaid costs listed above, an individual notice describing the protest hearing process was provided to each affected property owner. This public hearing is for City Council to confirm special assessment liens against the properties.

Committee/Commission Action: None.

Background Information:

Sacramento City Code Title 13, Title 12, Chapter 8.04 and Chapter 8.96 set forth an administrative appeal process for all property owner protests to special assessment liens against the properties for unpaid costs.

All property owners were noticed of the unpaid and/or delinquent costs, provided an opportunity to resolve the issue with City staff, and were then provided an opportunity for a hearing before a Delinquency Lien Hearing Officer if they so requested. Attachment 1 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 2, 3 and 4 are listings, by type, of each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing held are included.

Financial Considerations:

The unpaid fees and charges total to $4.7 million that the Sacramento County will guarantee to collect on behalf of the City.

Collection costs associated with the lien process are included in the Revenue Division's operating budget.

Environmental Considerations:

Pursuant to Section 15378 (b) (3), this is not a project under the California Environmental Quality Act (CEQA).

Policy Considerations:

This lien process is consistent with the City's delinquent collection policy.

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

Respectfully Submitted by: Brad Wasson
Brad Wasson, Revenue Manager

Approved by: G F Vina
Gus Vina
Finance Director

Recommendation Approved:

Cassandra HB Jennings
ROBERT P. THOMAS
City Manager

Table of Contents:

Page 4 Attachment 1 - Annual Lien/Special Assessment Summary
Page 5 Attachment 2 - Protested Utility Services Charges
Page 6 Attachment 3 - Protested Sidewalk Repair Charges
Page 7 Attachment 4 - Protested Weed Abatement Costs
Page 10 Resolution, Services Fees Liens, Delinquent Utility Services
Page 12 Exhibit A to Resolution, Services Fees Liens, Delinquent Utility Services
Page 13 Resolution, Reasonable Cost for Sidewalk Repair
Page 15 Exhibit A to Resolution, Reasonable Cost for Sidewalk Repair
Page 16 Resolution, Reasonable Cost for Weed Abatement
Page 18 Exhibit A to Resolution, Reasonable Cost for Weed Abatement

CITY OF SACRAMENTO
FY 2004/2005 ANNUAL SPECIAL ASSESSMENT AND LIENS

Unpaid costs for delinquent:	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 7/1/05] (1)
Utility Services Charges	6,647	$5,561,759.06	13	-0-	3	-0-	1	$4,539,328.52
Sidewalk Repairs	114	$133,540.80	12	9	2	2	3	$76,627.64
Weed Abatement	331	$91,650.41	49	-0-	36	8	-0-	$66,507.66

(1) Total amount of liens accounts for payments received after the lien notices were mailed 5/2/05.

DELINQUENT UTILITY SERVICES CHARGES PROTESTS

Name	Address	Parcel Number	Amount	Council District	Findings	Hearing Status
Bondi, Anthony	5832 15th Ave	021-0052-005-0000	$704.99	6	Fees found due	No hearing requested
Conner, Patrick	2664 21st Street	010-0337-057-0000	$1,398.10	4	Removed from lien list	No hearing requested
Cotton, Dorothy	6323 Seyferth Wy	118-0240-033-0000	$469.24	8	Fees found due	No hearing requested
Gillman, Jamez	1537 71st Ave.	052-0132-027-0000	$1,173.38	8	Fees found due	No hearing requested
Hatch, Lizzie	3640 Downey Wy	014-0051-006-0000	$1,352.79	5	Fees found due	No hearing requested
Jaleane, Anya	4425 79th Street	021-0274-008-0000	$1,023.03	6	Fees found due	No hearing requested
James, Travis	2535 Rio Linda Blvd.	265-0291-008-0000	$1,171.87	2	Fees found due	No hearing requested
Petitjean, Daniel	540 Pinedale	226-0151-024-0000	$973.05	2	Removed from lien list	No hearing requested
Riverlake Community Asso.	8142 Pocket Road	031-1210-061-0000	$844.22	7	Removed from lien list	No hearing requested
Smith, Esmeralda	2727 Berger Ave.	265-0201-016-0000	$649.73	2	Fees found due	No hearing requested
Trimble Honeychurch Family Trust	2 Space Court	030-0282-008-0000	$659.42	4	Fees found due	No hearing requested
Trimble Honeychurch Family Trust	1113-1117 26th Ave.	016-0341-007-0000	$422.25	4	Fees found due	No hearing requested
Wilson, Bob	6582 37th Ave.	027-0222-010-0000	$466.74	6	Fees found due	Hearing requested, Fees found

DELINQUENT SIDEWALK REPAIR COSTS PROTESTS

Name	Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing Status
ANSIER, Daniel / Carol	2388 Oakmont St	275-0103-024-0000	$829.16	2	Fees found due	No hearing requested by property owner Owner entered into payment plan agreement
CARLSON, Katherine / RICHARDSON, Michael	1617 - 48th Street	008-0475-037-0000	$945.24	3	Fees reduced to $591.89	No hearing requested by property owner Owner Paid Account in full 6/28/05
COTTON, Edward	701 F Street	002-0102-017-0000	$1,304.60	1	Fees found due	No hearing requested by property owner Owner Paid Account in full 6/28/05
DARDEN, William T.	3691 East Curtis Drive	013-0371-009-0000	$630.56	5	Billed in error / fees waived	No hearing requested by property owner
DELONG, Christopher / FREEMAN, Rodger C.	2754 - 26th Street	013-0042-002-0000	$661.36	5	Fees reduced to $280.81	No hearing requested by property owner Owner Paid Account in full 6/27/05
HURT, Donald R.	3736 - 2nd Avenue	014-0091-035-0000	$3,460.58	5	Fees found due	Hearing officer found fees due
KAYLER, Clark A. / Jennifer D.	515 - 24th Street	003-0142-001-0000	$763.36	3	Fees found due	No hearing requested by property owner Owner Paid Account in full 6/28/05
JOHN N. SR. & ANTOINETTE L. LANE REVOCABLE TRUST	1815 Q Street	007-0311-013-0000	$1,643.57	3	Fees found due	Hearing officer found fees due
LAS PALMAS 301 LAND TRUST	301 Las Palmas Av	263-0283-024-0000	$1,657.36	2	Fees found due	Hearing officer found fees due
LEE, Tammie D.	1608 Teralba Way	225-0643-028-0000	$617.98	1	Fees waived	No hearing requested by property owner
MANN, Julie R.	4225 - 56th Street	021-0212-011-0000	$223.12	5	Fees found due	No hearing requested by property owner Owner Paid Account in full 6/28/05
MASTIN, Christopher	305 Anderson Court	238-0114-005-0000	$1,638.49	2	Fees found due	No hearing requested by property owner

DELINQUENT WEED ABATEMENT CHARGES PROTESTS

Name	Address	Parcel Nmber	Amount Due	Council District	Staff Findings	Hearing Status
Arrow Props LLC	Stratus Dr	238-0220-021-0000	$392.00	2	Fees Waived	No hearing requested
Avdic, Osman & Vahida	3243 20th Ave	020-0203-037-0000	$163.00	5	Fees Waived	No hearing requested
Brandenburg, Stephan	708 Pinedale Ave	226-0161-009-0000	$185.00	2	Fees Waived	No hearing requested
Centex Homes	Whitehouse Rd	117-0212-014-0000	$485.00	8	Fees Paid	No hearing requested
Centex Homes	8751 Whitehouse Rd	117-0212-015-0000	$447.50	8	Fees Paid	No hearing requested
Centex Homes	8737 Whitehouse Rd	117-0212-023-0000	$470.00	8	Fees Paid	No hearing requested
Centex Homes	Sheldon Rd	117-0212-025-0000	$447.50	8	Fees Paid	No hearing requested
Cervantes Family Trust	Fairfield St	275-0145-013-0000	$170.00	2	Fees Waived	No hearing requested
Chang Chin, Yin/Lucy	Winters St	252-0151-033-0000	$222.50	2	Fees Waived	No hearing requested
Fed Ex Ground Package System	Elder Creek Rd	040-010-018-0000	$557.30	6	Fees Waived	No hearing requested
Fong, Wenda M.	San Juan Rd	225-0170-059-0000	$2,011.90	1	Fees Waived	No hearing requested
Fursov, Vyacheslav	3724 5th Ave	013-0154-004-0000	$253.00	5	Fees Waived	No hearing requested
Habitat for Humanity	3526 Y Street	010-0321-005-0000	$180.00	5	Fees Waived	No hearing requested
Habitat for Humanity	3517 36th Street	013-0401-021-0000	$188.00	5	Fees Waived	No hearing requested
Hoze, Michelle	Morrison Creek Dr	064-0020-067-0000	$200.00	6	Fees Waived	No hearing requested
Huynh, Christine	2616 Edinger Ave	036-0152-008-0000	$205.00	5	Fees Waived	No hearing requested
In Lap Kai Engineer Co (USA)	Jacinto Ave	117-0930-002-0000	$499.50	8	Fees Waived	No hearing requested
John Mourier Construction Inc.	8600 Bruceville Rd	117-0211-017-0000	$264.50	8	Fees Adjusted to $154.50	No hearing requested
Korner, Jack	452 North B Street	001-0064-010-0000	$163.00	1	Fees Waived	No hearing requested

DELINQUENT WEED ABATEMENT CHARGES PROTESTS

Name	Address	Parcel Nmber	Amount Due	Council District	Staff Findings	Hearing Status
Kouretas, James	1524 F Street	002-0171-006-0000	$168.00	3	Fees Adjusted to $58.00	No hearing requested
Kouretas, James	1528 F Street	002-0171-007-0000	$168.00	3	Fees Adjusted to $58.00	No hearing requested
Kouretas, James	1530 F Street	002-0171-008-0000	$178.00	3	Fees Adjusted to $68.00	No hearing requested
Lial, Edwin & Margaret	Display Way	250-0450-003-0000	$188.00	2	Fees Waived	No hearing requested
Lial, Edwin & Margaret	Harris Ave	250-0450-008-0000	$602.80	2	Fees Waived	No hearing requested
Linskiy, Nikolay	Rene Ave	237-0231-035-0000	$203.00	2	Fees Waived	No hearing requested
Lok, Siu Wai	907 U Street	009-0131-025-0000	$160.00	4	Fees Waived	No hearing requested
Lok, Siu Wai	901 U Street	009-0131-026-0000	$160.00	4	Fees Waived	No hearing requested
Mattox, Gerald	3009 U Street	010-0131-018-0000	$173.00	4	Fees Due	No hearing requested
Natoma Way Trust.	3901 Natoma Way	252-0022-008-0000	$180.00	2	Fees Waived	No hearing requested
Oceanus Yachts Inc.	3108 Martin L. King Blvd	013-0302-019-0000	$158.00	5	Fees Waived	No hearing requested
Oceanus Yachts Inc.	3114 Martin L. King Blvd	013-0302-020-0000	$158.00	5	Fees Waived	No hearing requested
Pacific Brokerage Inc.	5701 Broadway	011-0301-026-0000	$249.00	6	Fees Waived	No hearing requested
Phung, Michael & Catherine	Power Inn Rd	040-0010-037-0000	$225.00	6	Fees Waived	No hearing requested
Phung, Michael & Catherine	Power Inn Rd	040-0010-038-0000	$200.00	6	Fees Waived	No hearing requested
Power Inn Services Inc.	310 Jefferson Av	274-0182-014-0000	$170.00	1	Fees Waived	No hearing requested
Preston, Lillie M.	1117 Carmelita Ave	251-0165-007-0000	$160.00	2	Fees Waived	No hearing requested
Raley Associates.	Santa Ana Ave	215-0273-015-0000	$241.00	2	Fees Waived	No hearing requested
Saca, Anton	6013 Elder Creek Rd	038-0191-020-0000	$241.00	6	Fees Adjusted to $131.00	No hearing requested

DELINQUENT WEED ABATEMENT CHARGES PROTESTS

Name	Address	Parcel Nmber	Amount Due	Council District	Staff Findings	Hearing Status
Saca, Anton	Elder Creek Rd	038-0191-021-0000	$186.00	6	Fees Adjusted to $76.00	No hearing requested
Saca, Anton	6341 Elder Creek Rd	038-0191-023-0000	$256.00	6	Fees Adjusted to $256.00	No hearing requested
Sacramento Neighborhood Dev.	2777 Oakmont St	263-0141-012-0000	$189.00	1	Fees Waived	No hearing requested
Sacramento Properties Holdings	Arco Arena Blvd	225-0070-088-0000	$260.00	1	Fees Waived	No hearing requested
Schroeder, Raymond (Est. of)	3821 Elm St	251-0081-008-0000	$170.00	2	Fees Due	No hearing requested
Sirenchecnko, Alexandr	1000 Roanoke Ave	251-0134-025-0000	$170.00	2	Fees Waived	No hearing requested
Skinner, Annette	Lathrop Way	275-0300-008-0000	$230.00	2	Fees Waived	No hearing requested
Starr, Donald L.	2320 Downer Way	238-0160-008-0000	$200.00	2	Fees Waived	No hearing requested
State of California	Mack Rd	118-0133-006-0000	$386.75	8	Fees Waived	No hearing requested
Ticon IV LCC	47th Street	014-0293-010-0000	$163.00	5	Fees Waived	No hearing requested
Tim Lewis Communites	Brookfield Dr	119-0220-061-0000	$939.50	8	Fees Waived	No hearing requested
Wingard, Norm	Harris Ave	250-0450-007-0000	$90.00	2	Fees Adjusted Previously	No hearing requested

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF:_____

RESOLUTION DECLARING DELINQUENT WATER, SEWER, REGIONAL SEWER, GARBAGE, GARDEN REFUSE, AND STORM DRAINAGE SERVICE FEES LIENS ON PROPERTIES TO WHICH SUCH SERVICES WERE FURNISHED.

WHEREAS, pursuant to the provisions of the Sacramento City Code, the owners of the real properties described in Exhibit A, on file in the Finance Department's Revenue Division's Office, have been notified that water, sewer, regional sewer, garbage, garden refuse, and storm drainage services furnished to said properties were unpaid for a period of 60 days and that subsequent proceedings would be taken by the Council to make the charges liens on the real properties if said charges were not paid; and

WHEREAS, pursuant to the Sacramento City Code, notices were mailed to the owners of said properties informing them of the opportunity to protest the placing of unpaid utility service fees provided to the real property as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer; and

WHEREAS, City Council held a hearing upon those findings.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1 That all of the protests have been considered and have been rejected, revised, or confirmed.

2. That the charges set forth in Exhibit A for the furnishing of water, sewer, regional sewer, garbage, garden refuse and storm drainage service, to the real properties described in said Exhibit A are owing and delinquent.

FOR CITY CLERK USE ONLY

RESOLUTION NO.:_____

DATE ADOPTED:_____

3. 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 opposite each parcel of property.

4. 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.

5. That the City Clerk shall file a certified copy of the confirmed report with the Sacramento County Auditor/Controller for collection of said liens as herein above provided.

_____
MAYOR

ATTEST:

_____
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.:_____

DATE ADOPTED:_____

11,

EXHIBIT A

LIEN LIST:
ON FILE IN THE FINANCE DEPARTMENT REVENUE DIVISION'S OFFICE

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF:_____

RESOLUTION DETERMINING THE REASONABLE COSTS FOR SIDEWALK REPAIR WORK PERFORMED AS SHOWN ON EXHIBIT A AND PLACING LIENS ON THE PROPERTIES FOR THE COSTS THEREOF

WHEREAS, in accordance with Sacramento City Code, Title 12, the owners of the real properties in Exhibit A, on file in the Finance Department's Revenue Division's Office, 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; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer; and

WHEREAS, 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; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost and the hearing closed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That the reasonable costs in the aggregate not to exceed $76,627.64 for unpaid sidewalk repair work performed is the sum set forth on Exhibit A hereby incorporated into this resolution. This amount may be reduced as staff determines necessary.

2. 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 opposite each parcel of property.

FOR CITY CLERK USE ONLY

RESOLUTION NO.:_____

DATE ADOPTED:_____

3. 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.

4. That the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

_____
MAYOR

ATTEST:

_____
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.:_____

DATE ADOPTED:_____

EXHIBIT A

LIEN LIST:
ON FILE IN THE FINANCE DEPARTMENT REVENUE DIVISION'S OFFICE

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF:_____

RESOLUTION DECLARING THE DELINQUENT COSTS FOR WEED ABATEMENT WORK FOR 2004 AS LIENS ON THE PROPERTIES UPON WHICH THE ABATEMENT WERE PERFORMED

WHEREAS, in accordance with the Sacramento City Code, Title 8, the owners of the real properties described in Exhibit A, on file in the Finance Department's Revenue Division'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; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer, and

WHEREAS, 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; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That all of the protests have been considered and have been rejected, revised, or confirmed.

2. 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.

3. 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.:_____

DATE ADOPTED:_____

4. 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.

5. That the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

_____
MAYOR

ATTEST:

_____
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.:_____

DATE ADOPTED:_____

EXHIBIT A

LIEN LIST:
ON FILE IN THE FINANCE DEPARTMENT REVENUE DIVISION'S OFFICE