

SUPPLEMENTAL

COUNCIL AGENDA: 6-26-07
ITEM: 3.6



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Scott P. Johnson
James Helmer

SUBJECT: SUPPLEMENTAL MEMO FOR
PUBLIC HEARING ON
SIDEWALK REPAIRS

DATE: June 22, 2007

Approved

Deanna Subra

Date

6/22/07

COUNCIL DISTRICT: City-wide

REASON FOR SUPPLEMENTAL MEMO

To update the attached Final Report on the results of the Sidewalk Repair Administrative Hearings that were held on June 18 & 19, 2007 to ensure that the property owners have the opportunity to discuss the outstanding charges with staff prior to placement of the potential liens.

RECOMMENDATION

Accept the attached final cost of sidewalk repairs report from the Directors of the departments of Finance and Transportation and direct staff to continue with the lien process for properties identified in the report.

BACKGROUND

Two notices of public hearing were sent to 68 property owners on June 6, 2007 and June 13, 2007. The mailings were necessary to properly notify potential lien candidates of the date and time of the public hearing, the impending lien on their property, and provide an opportunity to attend an Administrative Hearing with Department of Transportation staff held on June 18 & 19, 2007.

ANALYSIS

Subsequent to the public hearing notification process, 6 of the 68 property owners originally notified settled outstanding issues and/or amounts related to sidewalk repairs. Additionally, staff

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from the Department of Transportation participated in administrative hearings with six property owners. Results of the administrative hearings and staff recommendations are indicated below:

Account #127065

Recommendation: Adjust invoice from \$2404.92 to \$1404.92. Balance to be placed as a lien and paid with the property owners property taxes.

Staff met with the property owner on 6/18/07. The property owner originally qualified for a \$1,000 sidewalk grant but could not complete the sidewalk repair due to a financial hardship. Staff recommends reducing the invoice by applying the value of the original grant. The property owner has agreed to pay the balance of the repair work along with his property taxes. The property owner was satisfied with the arrangement.

Account #125047

Recommendation: No adjustment to the invoice.

Staff talked with the property owner over the phone on 6/19/07. The sidewalk work was completed correctly and the property owner has agreed to pay the invoice amount.

Account #125044

Recommendation: Cancellation of this invoice. Adjust invoice from \$229.54 to \$0.

Staff talked with this property owner over the phone on 6/19/07 and 6/20/07. Staff recommends that the invoice be cancelled. The property owner was not properly notified of the mandatory sidewalk repairs.

Account #117120

Recommendation: No adjustment to the invoice.

Staff met with the property owner and visited the repair site with him. The property owner did not feel it was his responsibility to repair the sidewalk and also felt that the repair was on private property. Staff verified that all repairs were performed to City standards and that the repairs were the property owner's responsibility to complete.

Account #129411

Recommendation: No adjustment to the invoice.

On 6/19/07 staff talked with property owner over the phone. The property owner agreed that the sidewalk repairs were completed correctly and that he would pay the invoice.

Account #124456

Recommendation: No adjustment to the invoice

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Staff talked with the property owner over the phone on 6/20/07. The driveway approach repairs were made correctly. However, subsequent damage to the newly repaired driveway has occurred due to the heavy vehicle usage. The property owner refuses to pay for the original work until the City makes repairs to the new damage on the new driveway. The property owner will be responsible for repairs to the new driveway damage in the future.

CONCLUSION

The lien notices and the Administrative Hearing process were successful. The attached Report of the Directors of Finance and Transportation represents the current and complete list of property owners that are delinquent in paying for work performed by the City of San Jose for the cost of sidewalk repairs. Once the public hearing is held, property owners remaining on the Directors Report will have until the hearing date of June 26, 2007 to pay the amount in full to avoid a property lien from being recorded with the County Recorder's Office.

COORDINATION

This supplemental memorandum has been coordinated with the City Attorney's Office.


SCOTT P. JOHNSON
Director, Finance Department


JAMES HELMER
Director, Department of Transportation

For questions, please contact Scott P. Johnson, Director at (408)535-7000.

Attachment

City of San Jose
 Department of Finance
 Report of the Director of Finance to the City Council on the Cost of Sidewalk Repairs
 Public Hearing June 26, 2007

ACCT#	ASSIGN	NAME	MAILING ADDRESS	SITUS	APN	AMOUNT	FEE	TOTAL
114740	4/8/03	Mahmood R Ahmadian	1155 Weyburn Ln 17 San Jose CA 95129	1155 Weyburn Ln	372-27-007	\$ 975.85	\$ 11.00	\$ 986.85
116154	7/10/03	James Burch Investment Company	2 W Santa Clara St., 9th Fl San Jose CA 95113	1260 Santa Clara St	467-33-008	\$ 1,164.87	\$ 11.00	\$ 1,175.87
117120	10/1/03	Krishna Hotels San Jose LLC	5315 Silva Ave Richmond CA 94805	605 S 2nd St	472-26-070	\$ 3,094.25	\$ 11.00	\$ 3,105.25
117788	12/10/03	FC Third St Associates	Po Box 29542 Phoenix AZ 95038	33 4th St/99 S 4th St	467-23-096	\$ 1,380.00	\$ 11.00	\$ 1,391.00
117788		Western Region Real Estate						
121862	2/3/05	PG & E	111 Almaden Bl San Jose CA 95118	corner of Branham & Jarvis		\$ 3,860.84	\$ 11.00	\$ 3,871.84
121869	8/30/33	Citibank (West) FSB	135 Main St Unit 7th San Francisco CA 94105	3490 Stevens Creek Blvd	303-33-069	\$ 2,158.61	\$ 11.00	\$ 2,169.61
123158	6/14/05	Bennito & John J Arriaga	909 Cinnabar St San Jose CA 95126	909 Cinnabar St	261-03-002	\$ 136.30	\$ 11.00	\$ 147.30
123160	6/14/05	Grace M Elmore Trustee	4131 Wilson Ave Castro Valley CA 94546	906 Del Mar Ave	282-33-027	\$ 296.71	\$ 11.00	\$ 307.71
123425	7/15/05	Verena M & Steve W Market	4399 Alum Rock Ave San Jose CA 95127	1055 N 4th St	235-09-032	\$ 879.25	\$ 11.00	\$ 890.25
123540	7/27/05	Sateki & Kaho Pahulu & Tupou H Kaho	1553 Ilikai Ave San Jose CA 95118	1553 Ilikai Ave	451-45-068	\$ 962.56	\$ 11.00	\$ 973.56
124456	11/4/05	Victor E & Merle D Cabreros Trustee	2036 Fairway Ave-Santa Clara CA 95054	5113 Lapa Dr	381-43-033	\$ 1,344.77	\$ 11.00	\$ 1,355.77
124665	11/30/05	Kristine C Gregory	509 N 21st St San Jose CA 95112	509 N 21st St	249-24-010	\$ 346.68	\$ 11.00	\$ 357.68
124673	11/30/05	Santa Clara Land Title Co	1500 E Hamilton Ave 212 Campbell CA 95007	808 Colleen Dr	695-11-045	\$ 401.10	\$ 11.00	\$ 412.10
124673		Arcadia Development Co						
124676	11/30/05	Richard S & Sheryl V Tunder	6780 Mount Pakron Dr San Jose CA 95120	6780 Mount Pakron Dr	701-39-031	\$ 390.10	\$ 11.00	\$ 401.10
124791	12/8/05	Juan & Martha A Jacinto	1017 Locust St San Jose CA 95110	1017 Locust St	434-05-059	\$ 1,316.51	\$ 11.00	\$ 1,327.51
124802	12/8/05	Donna Goessling-Evans	255 S 12th St San Jose CA 95112	255 S 12th St	467-41-051	\$ 832.84	\$ 11.00	\$ 843.84
124811	12/5/05	Jose M & Maria S Ramirez	2606 Mozart Ave San Jose CA 95122	2606 Mozart Ave	670-24-029	\$ 641.57	\$ 11.00	\$ 652.57
124814	12/6/05	Gloria Wellwood	6091 Lean Ave San Jose CA 95123	6091 Lean Ave	689-25-060	\$ 613.81	\$ 11.00	\$ 624.81
125031	1/11/06	Novellus Systems Inc	90 Headquarters Dr San Jose CA 95134	3970 N 1st St	097-79-011	\$ 323.40	\$ 11.00	\$ 334.40
125047	1/11/06	Gerard B Wytman	5966 Fishurne Ave San Jose CA 95123	5966 Fishburne Ave	694-33-009	\$ 510.92	\$ 11.00	\$ 521.92
125101	1/12/06	Trennie C Valles	54 George St San Jose CA 95110	54 George St	259-18-047	\$ 2,753.14	\$ 11.00	\$ 2,764.14
125101		Desiree Valles-Rider						
125168	1/13/06	Jonathan T Mai & Vivian Trieu	Po Box 51857 San Jose CA 95151	1556 & 1558 Flanigan Dr	607-33-007	\$ 587.05	\$ 11.00	\$ 598.05
125227	1/20/06	Matthew Miranda	322 E San Salvador St San Jose CA 95112	322 E San Salvador St	467-48-072	\$ 1,645.69	\$ 11.00	\$ 1,656.69
125239	1/23/06	George S & Molly M Green Trustee	20110 Thompson Rd Los Gatos CA 95033	172 E San Salvador St	467-47-066	\$ 987.96	\$ 11.00	\$ 998.96
125638	3/10/06	Tommy E Pugh	2181 Naomi Rd Franklinville NC 27248-8246	27 Cleaves Ave	261-32-025	\$ 388.30	\$ 11.00	\$ 399.30
125639	3/10/06	David J Alves & Karen Stalker-Alves	2121 Hoover Ct Santa Clara CA 90051	274 Brooklyn Ave	274-20-033	\$ 1,100.00	\$ 11.00	\$ 1,111.00
125652	3/10/06	Ewa M Szorc	391 Scotts Bluff Pl MorganHill CA 95037	2845 Alwood Ct	654-48-047	\$ 997.32	\$ 11.00	\$ 1,008.32
126289	5/18/06	Idalia J McLean	365 E San Fernando St San Jose CA 95112	365 E San Fernando St	467-24-092	\$ 1,738.19	\$ 11.00	\$ 1,749.19
126961	7/25/06	Louise K Selman Trustee	Po Box 1539 Paso Robles CA 93447	1104 Meridian Ave	429-51-039	\$ 3,404.52	\$ 11.00	\$ 3,415.52
126961		Conocophilips Co-Retail						
127003	7/25/06	Emmanuel & Nelly Inneh	393 E San Fernando St San Jose CA 95112	393 E San Fernando St	467-24-089	\$ 1,264.11	\$ 11.00	\$ 1,275.11
127052	8/1/06	Sergio P Garcia	442 N 13th St San Jose CA 95112	442 N 13th St	249-55-006	\$ 1,602.71	\$ 11.00	\$ 1,613.71
127056	8/1/06	Son Van Do	3973 Camden Ave San Jose CA 95124	3971 Camden Ave	419-42-021	\$ 213.40	\$ 11.00	\$ 224.40
127057	8/1/06	Lois Swenson & El-Dora L Borden	1035 Palm St San Jose CA 95110	1035 Palm St	434-05-017	\$ 853.04	\$ 11.00	\$ 864.04

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127058	8/1/06	Nick & Rocio Andrade	1045 Palm St San Jose CA 95110	1045 Palm St	434-05-018	\$ 300.00	\$ 11.00	\$ 311.00
127060	8/1/06	Jesus Delatore	1709 Leeward Dr San Jose CA 95122	1709 Leeward Dr	486-30-072	\$ 1,695.60	\$ 11.00	\$ 1,706.60
127062	8/1/06	Cresenciano L	573 Conti Ct San Jose CA 95111	573 Conti Ct	497-40-027	\$ 490.80	\$ 11.00	\$ 501.80
127062		Hermogena T Respicio						
127065	8/1/06	Sulito & Mary A Austria	1432 Stone Creek Dr San Jose CA 95132	1432 Stone Creek Dr	587-06-014	\$ 1,404.92	\$ 11.00	\$ 1,415.92
127202	8/22/06	Perchy&Jennifer Dizon	501 E San Fernando St San Jose CA 95112	501 E San Fernando St	467-26-023	\$ 2,621.39	\$ 11.00	\$ 2,632.39
127202		Ernest & Emerita Matro						
127875	11/9/06	Richard Valencia	1283 Mich Bluff Dr San Jose CA 95131	1283 Mich Bluff Dr	245-09-038	\$ 642.52	\$ 11.00	\$ 653.52
127877	11/9/06	Clifford C Grodeon	494 N 2nd St San Jose CA 95112	492 N 2nd St	249-43-072	\$ 2,346.23	\$ 11.00	\$ 2,357.23
127887	11/9/06	Eva Torres	1503 Calco Creek Dr San Jose CA 95127	49 S 9th St	467-24-081	\$ 346.08	\$ 11.00	\$ 357.08
127890	11/9/06	Linda Le	498 S 4th St San Jose CA 95112	498 S 4th St	467-47-081	\$ 2,248.00	\$ 11.00	\$ 2,259.00
127902	11/9/06	Hung & Jessica P Le	1965 Luby Dr San Jose CA 95133	1965 Luby Dr	254-50-040	\$ 327.03	\$ 11.00	\$ 338.03
127958		Tony & Kim Dinh						
127958	11/13/06	Jennifer & Tuan Quoc Tran	1128 Jacklin Rd Milpitas CA 95035	3975 Senter Rd	494-08-002	\$ 10,841.97	\$ 11.00	\$ 10,852.97
127967	11/13/06	Santa Clara Land Title Co	1500 E Hamilton Ave 212 Campbell CA 95008	824 Colleen Dr	695-11-030	\$ 309.81	\$ 11.00	\$ 320.81
127967		Arcadia Development Co						
128630	12/22/06	Joseph Micheal & Sladana Lucich	14920 Winchester Blvd Los Gatos CA 95030	1949 Park Ave	274-06-024	\$ 200.00	\$ 11.00	\$ 211.00
128633	12/22/06	Timothy M & Melissa L Brinton	2059 Camden Ave 207 San Jose CA 95124	497 S 6th St	467-48-012	\$ 259.00	\$ 11.00	\$ 270.00
128884	1/25/07	Ronald R Durham	14620 Big Basin Way Saratoga CA 95070	337 S Monroe St	277-34-003	\$ 969.98	\$ 11.00	\$ 980.98
128884		Richard A Sermone Trustee						
128903	1/25/07	Majorie K Humphrey Trustee Et Al	2888 Del Loma Dr Campbell CA 95008	2888 Del Loma Dr	403-12-035	\$ 675.72	\$ 11.00	\$ 686.72
129088	2/20/07	Metropolitan Life Ins Co	Po Box 4900 Dept 304 Scottsdale CA 85261-4900	1510 S Winchester Blvd	279-27-037	\$ 2,122.92	\$ 11.00	\$ 2,133.92
129088		c/o Washington Mutual						
129098	2/21/07	Robert M & Marilyn J Kulick Trustee	1270 S Winchester Blvd 127 San Jose CA 95128	4309 Ross Ave	419-02-006	\$ 908.88	\$ 11.00	\$ 919.88
129098		Cal-Western Property Management						
129103	2/21/07	Beebe L & Rosario L Tupaz	2831 Cortina Way Union City CA 94587	888 Clarkston Dr	459-24-019	\$ 1,929.32	\$ 11.00	\$ 1,940.32
129104	2/21/07	Myong Cha Means	929 E El Camino Real 202A Sunnyvale CA 94087	1715 Almond Blossom Ln	567-16-024	\$ 572.40	\$ 11.00	\$ 583.40
129290	3/9/07	Paris Investments	2860 Story Rd San Jose CA 95127	451 S 4th St	467-47-058	\$ 746.25	\$ 11.00	\$ 757.25
129411	3/20/07	Barry E Zamira Trustee	815 Elm St San Jose CA 95126	921 Emory St	261-12-020	\$ 2,070.80	\$ 11.00	\$ 2,081.80
129413	3/20/07	Aim One	23118 Henry Lane Hayward CA 94541	1101 W San Carlos St	261-41-103	\$ 1,801.39	\$ 11.00	\$ 1,812.39
129426	3/20/07	Robert C Yen & Vivian W Shen	Po Box 321 Cupertino CA 95015	1705 Tully Rd	491-28-127	\$ 3,792.92	\$ 11.00	\$ 3,803.92
129428	3/20/07	Martin M Ohan	76-6223A Mikilana St Kailua-Kona HI 96740	5078 Willow Est	660-13-041	\$ 559.18	\$ 11.00	\$ 570.18
129431	3/20/07	Donnie & Linder J Saucier	14203 Canterbury Lane Rockville MD 20853	2011 Bridgecastle Ct	676-53-037	\$ 1,093.80	\$ 11.00	\$ 1,104.80
						\$ 80,443.28	\$ 649.00	\$ 81,092.28