



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Scott P. Johnson

**SUBJECT:** SEE BELOW

**DATE:** April 18, 2011

Approved

Date

4/25/11

**SUBJECT: ADOPTION OF A RESOLUTION SETTING A PUBLIC HEARING FOR THE COST OF SIDEWALK REPAIRS FOR JUNE 7, 2011.**

## RECOMMENDATION

Adopt a resolution setting a public hearing on Tuesday, June 7, 2011, at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs.

## OUTCOME

To recover funds spent on sidewalk repairs from property owners.

## BACKGROUND

State law and the San José Municipal Code make it the duty of each property owner to maintain the sidewalk fronting their property in a safe condition. When sidewalks need repairs, the Department of Transportation (“DOT”) sends a repair notice to the property owner.

The Finance Department invoices property owners for sidewalk repairs undertaken by DOT. To recover the costs of unpaid invoices, the City Council, upon confirming the amounts owed subsequent to a public hearing, can approve the filing of liens against the defaulting properties with the Santa Clara County (“SCC”) Office of the Clerk-Recorder.

Property owners who are affected by this process may satisfy the lien recorded against their property at any time prior to July 22, 2011 by making full payment to the City, in addition to a \$13.00 lien-release fee charged by the SCC Office of the Clerk-Recorder. Any unpaid lien amounts after this date will be added to the property owners’ annual property tax bill. Recording

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liens against delinquent property owners for outstanding sidewalk repair costs will help ensure eventual collection of the past due amounts if the property is sold, transferred or refinanced. This process will be conducted periodically to help protect the City from these types of events.

### ANALYSIS

A Report from the Director of Finance for the cost of sidewalk repairs (“Director’s Report”) is attached. The Director’s Report includes properties currently in default in which the City incurred costs for the sidewalk repairs on behalf of the property owners. At the present time, there are 78 properties that are subject to a potential lien for a total lien amount, including administrative fees, of \$183,724.96. Individual lien amounts vary from \$525.78 to \$24,151.01. These amounts have been paid by the City to concrete contractors to complete sidewalk repairs at the affected properties.

In an effort to resolve potential protests prior to the public hearing, DOT invites property owners to attend administrative conferences. These conferences do not affect the property owners’ right to protest the proposed lien at the City Council public hearing.

Results of the administrative conferences and staff recommendations will be included in the Director’s Report submitted to the Council for consideration and approval on June 7, 2011. After hearing any protest, the City Council may confirm the Director’s Report and the full amounts contained therein or reduce any of the amounts due. After the Director’s Report is confirmed, the amounts owed shall constitute a special assessment against the property and shall become a lien on the property for the balance of the outstanding amount owed, until discharged. Any unpaid lien amount by July 22, 2011 shall be added to the property owner’s annual property tax bill by the SCC Tax Collector.

The schedule to file liens on defaulting properties for sidewalk repairs made by the City is as follows:

<b>Event</b>	<b>Date</b>
1. City Council – Sets the public hearing	May 10, 2011
2. Department of Transportation – Mails first notices giving notice of the administrative conferences and the public hearing date	May 11, 2011
3. Department of Transportation – Mails second notices giving notice of the administrative conferences and the public hearing date	May 18, 2011
4. Department of Transportation – Conducts the administrative conferences	May 26, 2011
5. City Council – Conducts the public hearing and adopts the Resolution Confirming the Directors’ Report containing the proposed liens	June 7, 2011 1:30 P.M.
6. Department of Finance – Submits lien information to the Santa Clara County Office of the Clerk-Recorder	June 2011

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### **EVALUATION AND FOLLOW-UP**

A memo seeking authorization from the City Council to direct Finance staff to place special assessments secured by a lien against those listed in the Director's Report is scheduled for June 7, 2011 Council meeting. In addition, staff in the Revenue Management Division of the Finance Department will continue its collection efforts in order to reduce the number of delinquent accounts that require a lien hearing. Furthermore, said staff will also continue to monitor accounts placed with the County for special assessment for full compliance with the program.

### **PUBLIC OUTREACH/INTEREST**

Although this item does not meet any of the criteria listed below, this memorandum will be posted on the City's website for the May 10, 2011 City Council meeting.

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

### **COORDINATION**

This memorandum has been coordinated with the Department of Transportation and the City Attorney's Office.

### **COST IMPLICATIONS**

The funds (\$183,724.96) used to repair the sidewalks for those properties currently being considered for the filing of a special assessment secured by a lien were advanced from the General Fund.

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**CEQA:**

Not a Project, File No. PP10 -066(e), services that involve no physical changes to the environment.

/s/

SCOTT P. JOHNSON

Director, Finance

For questions, please contact Wendy Sollazzi, Finance Division Manager at (408) 535-7005.

## Report from the Director of Finance to the City Council of the Cost of Sidewalk Repairs

City of San José

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ACCOUNT#	DATE ASSIGNED	MAILING ADDRESS	CITY, STATE, ZIP	PROPERTY ADDRESS	APN #	CURRENT BALANCE	LIEN FEE	TOTAL BALANCE
160736	4/29/2010	3178 GARDEN AVE	SAN JOSE, CA 95111-2223	3178 GARDEN AV	497-15-039	\$ 512.78	\$ 13.00	\$ 525.78
136613	3/12/2009	6058 CHESBRO AVE	SAN JOSE, CA 95123-3917	6058 CHESBRO AV	687-11-022	\$ 524.64	\$ 13.00	\$ 537.64
157803	1/21/2010	6405 PELHAM CT	SAN JOSE, CA 95123-4941	6405 PELHAM CT	689-58-003	\$ 548.42	\$ 13.00	\$ 561.42
135579	12/5/2008	18344 BAYLOR AVE	SARATOGA, CA 95070-4704	536 SHADOW CT	381-44-020	\$ 599.01	\$ 13.00	\$ 612.01
137013	4/7/2009	3397 ARAMIS DR	SAN JOSE, CA 95127-4202	3397 ARAMIS DR	647-08-001	\$ 753.02	\$ 13.00	\$ 766.02
159546	3/26/2010	1247 BURKETTE DR	SAN JOSE, CA 95129-4355	1247 BURKETTE DR	381-27-115	\$ 764.91	\$ 13.00	\$ 777.91
161711	5/26/2010	2925 PENITENCIA CREEK RD	SAN JOSE, CA 95132-2926	2925 PENITENCIA CREEK RD	591-24-037	\$ 767.05	\$ 13.00	\$ 780.05
135668	12/18/2008	2181 NAOMI RD	FRANKLINVILLE, NC 27248	27 CLEAVES AV	261-32-025	\$ 793.00	\$ 13.00	\$ 806.00
169971	11/5/2010	2868 CROFT DR	SAN JOSE, CA 95148-3602	2868 CROFT DR	659-13-004	\$ 796.03	\$ 13.00	\$ 809.03
135669	12/18/2008	1013 BIRD AV	SAN JOSE, CA 95125	1013 BIRD AV	264-55-044	\$ 801.00	\$ 13.00	\$ 814.00
137017	4/7/2009	5142 SNOW DR	SAN JOSE, CA 95111-2732	5142 SNOW DR	684-34-038	\$ 801.00	\$ 13.00	\$ 814.00
156263	11/10/2009	190 EL CAMINITO AV	CAMPBELL, CA 95008	483 BUENA VISTA AV	277-17-042	\$ 804.00	\$ 13.00	\$ 817.00
165350	8/16/2010	P.O. BOX 51655	SAN JOSE CA 95151	27 11TH ST	467-25-077	\$ 828.17	\$ 13.00	\$ 841.17
168569	10/26/2010	1015 JACKSON ST	SAN JOSE, CA 95112-1609	1015 JACKSON ST	249-22-007	\$ 878.26	\$ 13.00	\$ 891.26
136335	2/12/2009	1849 MONTAGE CT	SAN JOSE CA 95131	1849 MONTAGE CT	244-30-045	\$ 882.80	\$ 13.00	\$ 895.80
137094	4/16/2009	460 S 19TH ST	SAN JOSE, CA 95116	460 S 19TH ST	472-38-056	\$ 920.00	\$ 13.00	\$ 933.00
168315	10/8/2010	560 YUROK CIRCLE	SAN JOSE CA 95123	560 YUROK CIRCLE	687-30-082	\$ 924.50	\$ 13.00	\$ 937.50
163203	6/15/2010	7062 MORECAMBE DR	SAN JOSE CA 95120-3229	4038 JARVIS AV	451-24-072	\$ 946.45	\$ 13.00	\$ 959.45
165634	9/1/2010	1491 ROSECREST TER	SAN JOSE CA 95126	1269 PREVOST ST	434-15-002	\$ 998.78	\$ 13.00	\$ 1,011.78
169436	11/2/2010	396 N 6TH ST	SAN JOSE, CA 95112	1355 JULIAN ST	249-65-024	\$ 1,004.18	\$ 13.00	\$ 1,017.18
152378	7/24/2009	388 N 13TH ST	SAN JOSE CA 95112-1832	388 N 13TH ST	249-56-034	\$ 1,068.25	\$ 13.00	\$ 1,081.25
170122	11/17/2010	411 LA PALA DRIVE	SAN JOSE CA 95127-1538	411 LA PALA DR	599-45-004	\$ 1,072.50	\$ 13.00	\$ 1,085.50
169944	11/4/2010	1004 COYOTE RD	SAN JOSE, CA 95111-1823	1004 COYOTE RD	678-32-085	\$ 1,097.13	\$ 13.00	\$ 1,110.13
159534	3/26/2010	1033 WILLOW ST	SAN JOSE CA 95125-2300	1033 WILLOW ST	264-56-078	\$ 1,138.53	\$ 13.00	\$ 1,151.53
135907	1/7/2009	985 UNIVERSITY AVE STE 12	LOS GATOS CA 95032	125 SAN PEDRO ST	259-32-006	\$ 1,140.20	\$ 13.00	\$ 1,153.20
152393	7/24/2009	14920 WINCHESTER BL	LOS GATOS CA 95030-2306	790 BIRD AV	264-45-065	\$ 1,157.25	\$ 13.00	\$ 1,170.25
135908	1/7/2009	985 UNIVERSITY AVE STE 12	LOS GATOS CA 95032	115 SAN PEDRO ST	259-32-009	\$ 1,179.00	\$ 13.00	\$ 1,192.00
136357	2/12/2009	377 AVENIDA ARBOLES	SAN JOSE, CA 95123	5224 ROEDER RD	684-31-153	\$ 1,199.00	\$ 13.00	\$ 1,212.00
160134	4/16/2010	5222 ROEDER RD	SAN JOSE CA 95111-4063	5222 ROEDER RD	684-31-154	\$ 1,276.75	\$ 13.00	\$ 1,289.75
163193	6/15/2010	3305 WILCOX AVE	SAN JOSE, CA 95118-1341	3305 WILCOX AV	447-20-081	\$ 1,361.93	\$ 13.00	\$ 1,374.93
136610	3/12/2009	1058 WILSHAM DR	SAN JOSE CA 95132-2937	1058 WILSHAM DR	591-20-043	\$ 1,374.56	\$ 13.00	\$ 1,387.56
164142	7/20/2010	3840 KIRK RD	SAN JOSE, CA 95124-3820	3840 KIRK RD	447-27-127	\$ 1,404.27	\$ 13.00	\$ 1,417.27
163596	6/24/2010	2148 THE ALAMEDA	SAN JOSE, CA 95126-1125	2148 THE ALAMEDA	230-16-088	\$ 1,415.31	\$ 13.00	\$ 1,428.31
152406	7/24/2009	1204 LOCUST ST	SAN JOSE, CA 95110-3319	1204 LOCUST ST	434-11-054	\$ 1,464.80	\$ 13.00	\$ 1,477.80
135922	1/7/2009	1968 MARQUES AVE	SAN JOSE, CA 95125	1968 MARQUES AV	446-26-025	\$ 1,487.00	\$ 13.00	\$ 1,500.00
171122	12/7/2010	4935 CORBIN AV	SAN JOSE, CA 95118-2622	4935 CORBIN AV	569-33-008	\$ 1,516.75	\$ 13.00	\$ 1,529.75
160130	4/16/2010	1258 KARL ST	SAN JOSE, CA 95122	1258 KARL ST	486-37-069	\$ 1,518.72	\$ 13.00	\$ 1,531.72
161708	5/26/2010	729 MAIRWOOD CT	SAN JOSE, CA 95120	12 11TH ST	467-26-034	\$ 1,528.20	\$ 13.00	\$ 1,541.20
160133	4/16/2010	438 BRANHAM LN	SAN JOSE, CA 95111	438 BRANHAM LN	684-26-105	\$ 1,579.37	\$ 13.00	\$ 1,592.37
152423	7/24/2009	3494 ROCKY MOUNTAIN DR	SAN JOSE, CA 95127-4852	3494 ROCKY MOUNTAIN DR	647-26-027	\$ 1,597.55	\$ 13.00	\$ 1,610.55
136358	2/12/2009	5222 ROEDER RD	SAN JOSE, CA 95111	5222 ROEDER RD	684-31-154	\$ 1,601.00	\$ 13.00	\$ 1,614.00
161712	5/26/2010	4819 YAMATO DR	SAN JOSE, CA 95111-3824	166 PAGE MILL DR	684-27-023	\$ 1,608.61	\$ 13.00	\$ 1,621.61
159506	3/26/2010	7142 ECHO LOOP	SAN JOSE, CA 95120-4715	361 ROAN ST	689-18-001	\$ 1,650.35	\$ 13.00	\$ 1,663.35
136834	3/25/2009	325 N 15TH ST	SAN JOSE, CA 95112-1841	325 N 15TH ST	249-56-052	\$ 1,734.15	\$ 13.00	\$ 1,747.15
136438	2/24/2009	2526 LOST OAKS DR	SAN JOSE, CA 95124-4941	2526 LOST OAKS DR	421-12-031	\$ 1,839.92	\$ 13.00	\$ 1,852.92
152370	7/24/2009	4986 WILMA WY	SAN JOSE, CA 95124-5328	946 6TH ST	235-10-020	\$ 1,860.32	\$ 13.00	\$ 1,873.32
168571	10/26/2010	651 N 11TH ST	SAN JOSE, CA 95112	651 N 11TH ST	249-35-022	\$ 1,910.74	\$ 13.00	\$ 1,923.74
136341	2/12/2009	969 BUCKEYE DR	SUNNYVALE, CA 94086	1033 THE ALAMEDA	261-02-027	\$ 1,918.52	\$ 13.00	\$ 1,931.52
157128	12/9/2009	12 S 1ST	SAN JOSE, CA 95113-2404	12 S 1ST	462-62-001,007,008, 009,010,011,012,015	\$ 1,843.69	\$ 104.00	\$ 1,947.69
161520	5/19/2010	2445 REGAL DR	UNION CITY, CA 94587-1918	1784 LOS GATOS-ALMADEN RD	527-53-032	\$ 1,967.00	\$ 13.00	\$ 1,980.00
136436	2/24/2009	2104 LA MIEL WY	CAMPBELL, CA 95008	2104 LA MIEL WY	404-12-023	\$ 1,997.76	\$ 13.00	\$ 2,010.76
159590	3/29/2010	1075 MAZZONE DR	SAN JOSE, CA 95120	1075 MAZZONE DR	696-30-025	\$ 2,036.77	\$ 13.00	\$ 2,049.77
164193	7/20/2010	945 S BASCOM AV	SAN JOSE, CA 95128	3959 PALADIN DR	447-30-063	\$ 2,091.87	\$ 13.00	\$ 2,104.87
164768	8/4/2010	1398 BEDFORD AV	SUNNYVALE, CA 94087-3816	3286 MT VISTA DR	647-18-003	\$ 2,096.90	\$ 13.00	\$ 2,109.90

## Report from the Director of Finance to the City Council of the Cost of Sidewalk Repairs

City of San José

Public Hearing June 7, 2011

ACCOUNT#	DATE ASSIGNED	MAILING ADDRESS	CITY, STATE, ZIP	PROPERTY ADDRESS	APN #	CURRENT BALANCE	LIEN FEE	TOTAL BALANCE
161713	5/26/2010	5084 EDENVIEW DR	SAN JOSE, CA 95111-4032	5084 EDENVIEW DR	684-28-051	\$ 2,473.90	\$ 13.00	\$ 2,486.90
164706	8/3/2010	443 COLFAX DR	SAN JOSE, CA 95123-3422	443 COLFAX DR	692-25-034	\$ 2,478.19	\$ 13.00	\$ 2,491.19
157801	1/21/2010	4871 POSTON DR	SAN JOSE, CA 95136	4871 POSTON DR	685-11-026	\$ 2,492.58	\$ 13.00	\$ 2,505.58
136830	3/25/2009	143 N 12TH ST	SAN JOSE, CA 95112	143 N 12TH ST	467-16-064	\$ 2,547.35	\$ 13.00	\$ 2,560.35
156249	11/10/2009	1929 RIGOLETTO DR	SAN JOSE, CA 95122-1340	1929 RIGOLETTO DR	670-26-016	\$ 2,621.36	\$ 13.00	\$ 2,634.36
159578	3/29/2010	6122 ESCONDIDO CT	SAN JOSE, CA 95119	6122 ESCONDIDO CT	704-23-017	\$ 2,675.44	\$ 13.00	\$ 2,688.44
158411	2/17/2010	1 GEOFFERY WY	WAYNE, NJ 07470	751 WINCHESTER BL	299-45-032	\$ 2,714.46	\$ 13.00	\$ 2,727.46
159574	3/29/2010	1349 LYONSVILLE LN	SAN JOSE, CA 95118-3509	1349 LYONSVILLE LN	567-40-078	\$ 2,841.53	\$ 13.00	\$ 2,854.53
136360	2/12/2009	P.O. BOX 696000	SAN ANTONIO, TX 78269-600	448 BLOSSOM HILL RD	692-26-003	\$ 2,971.68	\$ 13.00	\$ 2,984.68
165344	8/16/2010	15 N POTTEBAUM RD	CASA GRANDE AZ 85222	1045 ASBURY ST	261-09-035	\$ 3,034.21	\$ 13.00	\$ 3,047.21
164761	8/4/2010	868 PASEO ESTERO DR	SAN JOSE, CA 95122-3315	868 PASEO ESTERO DR	477-70-018	\$ 3,071.49	\$ 13.00	\$ 3,084.49
169448	11/2/2010	5873 DRY OAK DR	SAN JOSE, CA 95120	5873 DRY OAK DR	577-51-030	\$ 3,159.71	\$ 13.00	\$ 3,172.71
164755	8/4/2010	1077 DURNESS PL	SAN JOSE, CA 95122-3707	1077 DURNESS PL	477-36-031	\$ 3,196.86	\$ 13.00	\$ 3,209.86
159518	3/26/2010	326 S WILLARD AV	SAN JOSE, CA 95126-3279	326 S WILLARD AV	277-20-034	\$ 4,113.74	\$ 13.00	\$ 4,126.74
157800	1/21/2010	1295 DENTWOOD DR	SAN JOSE, CA 95118-3018	1295 DENTWOOD DR	569-05-024	\$ 5,352.36	\$ 13.00	\$ 5,365.36
164195	7/20/2010	1664 GUADALUPE AV	SAN JOSE, CA 95125	1664 GUADALUPE AV	455-21-034	\$ 5,678.55	\$ 13.00	\$ 5,691.55
157973	1/27/2010	P.O. BOX 3390	SAN JOSE, CA 95156	1424 CARNELIAN DR	477-32-193	\$ 5,883.49	\$ 13.00	\$ 5,896.49
158400	2/17/2010	P.O BOX 193755	SAN FRANCISCO, CA 94119	1705 1ST ST	230-29-023	\$ 6,224.44	\$ 13.00	\$ 6,237.44
155309	10/1/2009	3190 S BASCOM AV # 200	SAN JOSE, CA 95124	467 BUENA VISTA AV	277-17-041	\$ 12,120.99	\$ 13.00	\$ 12,133.99
161574	5/20/2010	444 SARATOGA AV	SANTA CLARA, 95050	605 LEWIS RD	497-47-011	\$ 14,285.95	\$ 13.00	\$ 14,298.95
159561	3/26/2010	424 S MAIN ST	MILPITAS, CA 95035	478 SANTA CLARA ST	467-25-075	\$ 24,138.01	\$ 13.00	\$ 24,151.01
						\$ 182,658.96	\$ 1,066.00	\$ 183,724.96