



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider the Annual Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

MEETING DATE: April 16, 2008

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Conduct a public hearing to consider the Annual Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department. Following the public hearing, the Council will be asked to confirm the Report, determine method of payment, assess the cost of repairs to the affected properties, and order the preparation of a Notice of Lien to be filed with the tax collector.

BACKGROUND INFORMATION: Streets and Highway Code Section 5616 requires that a public hearing be held to hear and approve the report of cost of repairs and to hear protests which may be raised by property owners. If necessary, property owners were given up to three repair notices over a three-month period. If repairs were not executed, then the City's contractor would repair the sidewalk as needed.

City of Lodi's Curb, Gutter & Sidewalk Maintenance Policy, adopted by Resolution 2005-218 on October 5, 2005, provides three alternatives for the cost of repairs. Those alternatives are: 1) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City; 2) property owners meeting low-income eligibility per the City's SHARE Program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or 3) the City Manager is authorized to establish procedures to implement this policy and execute payment agreements pertaining to this policy and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

In a continuing effort to improve the City's sidewalk system to encourage walking, improve safety by reducing the number of defects in the sidewalk, and reduce the City's liability exposure and cost, and in accordance with the City's sidewalk maintenance program, property owners with the worst sidewalk offsets, according to our sidewalk survey, were notified of their responsibility to correct this condition. Some owners took care of the repairs immediately, some asked for assistance, and three owners did not perform the repairs as needed.

This is the second annual report for sidewalk repairs. The first report was presented to Council on October 17, 2007. At that public hearing, Council directed the City Manager to cause a property lien to be filed with the County Tax Collector's Office for the property that did not perform the needed repairs.

APPROVED: _____
Blair King, City Manager

The following is a listing of the properties that received sidewalk repair notifications:

Street Address	Cost Estimate	Work Accomplished
641 North Pacific Avenue	\$3,067.08	Property owner hired contractor. Work completed 11/30/07.
1800 Holly Drive	\$4,855.16	Property owner hired contractor. Work completed 1/22/08.
599 Sandpiper Circle	\$3,422.46	Property owner hired contractor. Work completed 11/9/07.
944 South Crescent Avenue	\$1,639.63	Property owner hired contractor. Work completed 11/30/07.
1524 West Elm Street	\$5,041.72	Property owner hired contractor. Work completed 12/15/07.
300 East Pine Street	\$2,679.16	Property owner hired contractor. Work completed 11/30/07.
309 Westwood Avenue	\$6,635.39	Property owner hired contractor. Work completed 11/30/07.
1007 Black Diamond Way	\$356.15	Property owner hired contractor. Work completed 1/16/08.
1015 Black Diamond Way	\$318.45	Property owner hired contractor. Work completed 2/4/08.
729 Westwood Avenue	\$2,931.19	Property owner hired City. Work completed 12/5/07.
210 Cross Street	\$1,225.18	Property owner hired City. Work completed 11/30/08.
1606 South Church Street	\$4,096.70	Property owner hired City. Work completed 1/18/08.
314 La Setta Drive	\$3,970.71	Failed to perform. Courtesy Notice sent 10/3/07, Formal Notice sent 10/24/07, Second Formal Notice sent 12/4/07. City completed repairs, billed owner 1/15/08.
1518 West Elm Street	\$1,447.28	Failed to perform. Courtesy Notice sent 11/8/07, Formal Notice sent 12/4/07, Second Formal Notice sent 1/8/08. City completed repairs, billed owner 2/12/08.
1512 West Elm Street	\$2,301.15	Failed to perform. Courtesy Notice sent 11/8/07, Formal Notice sent 12/4/07, Second Formal Notice sent 1/8/08. City completed repairs, billed owner 2/12/08.

The property owner of 314 La Setta Drive was billed on January 15, 2008 for the \$3,971 cost of repair; the property owner of 1518 West Elm Street was billed on February 12, 2008 for the \$1,447 cost of repair; and the property owner of 1512 West Elm Street was billed on February 12, 2008 for the \$2,301 cost of repair. As of this date, the three property owners have not responded.

The total estimated cost for repairs to the above 15 properties was \$43,987.

Based on previous cases, the Council had determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the Tax Collector. It is staff's recommendation that this practice be continued.

FISCAL IMPACT: Depending on Council's action, \$7,719, which includes the City's administrative time, could be restored to the Street Fund.

FUNDING AVAILABLE: An accounts receivable will be created in the Street Fund that will retire as the payments are received from the property owners.

Kirk Evans, Budget Manager

F. Wally Sandelin
Public Works Director

Prepared by George M. Bradley, Streets and Drainage Manager

FWS/GMB/dsg

cc: Property Owners (1512 West Elm Street, 1518 West Elm Street, 314 La Setta Drive)



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER ANNUAL REPORT FOR
SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS
SUBMITTED BY THE PUBLIC WORKS DEPARTMENT**

PUBLISH DATE: SATURDAY, APRIL 5, 2008

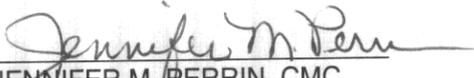
LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, APRIL 3, 2008

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____(time) ON _____(date) _____(pages)
Phoned to confirm receipt of all pages at _____(time) _____JLT _____DRC _____JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING NOTICE TO CONSIDER ANNUAL REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

On Friday, April 4, 2008, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Annual Report for Sidewalk Repairs and to Confirm the Report as submitted by the Public Works Department (attached and marked as Exhibit A) was posted at the following locations:

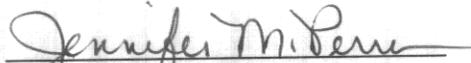
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 4, 2008, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING NOTICE TO CONSIDER ANNUAL REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

On Thursday, April 3, 2008, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider Annual Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

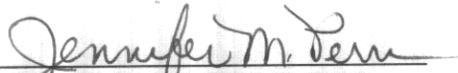
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 3, 2008, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 16, 2008

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

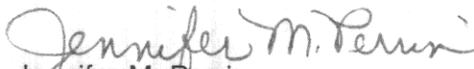
NOTICE IS HEREBY GIVEN that on **Wednesday, April 16, 2008**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Annual Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
Deputy City Clerk

Dated: April 3, 2008

Approved as to form:

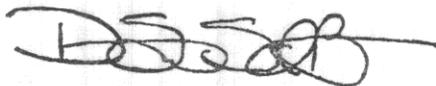

D. Stephen Schwabauer
City Attorney

EXHIBIT B

PUBLIC HEARING TO CONSIDER THE ANNUAL REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

Mailing List

Elizabeth Castillo
1512 W. Elm Street
Lodi, CA 95242

Leona Miller
3102 Hermitage Road
Pebble Beach, CA 93953

Garry Wilson
1518 W. Elm Street
Lodi, CA 95242