



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Building Division, Community Development Department

**SUBJECT:** Certification of Administrative Citation Program Unpaid Fines List

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Amounts of Administrative Citations Greater than 60 Days Past Due for the Purpose of Either Referral to a Collection Agency or Filing a Lien Against the Property.

### **DISCUSSION:**

#### Background

On July 13, 1999, City Council adopted the Administrative Citation Ordinance (Ordinance No. 5113 establishing Chapter 1.25 of the Municipal Code), which is used to impose and collect civil administrative fines for Municipal Code violations. On April 1, 2003, City Council adopted Ordinance No. 5272 amending Chapter 1.25 of the Municipal Code. This amendment was adopted to give guidance and Administrative Procedures for the imposition and collection of Administrative Fines levied on violations of the Municipal Code.

The purpose of this report is to provide Council with the following:

1. An update on the activity level of the Administrative Citation Program from September 1, 2009 to September 1, 2013.
2. A recommended Resolution of the Council of the City of Santa Barbara certifying the amounts of administrative citations greater than 60 days past due for the purpose of either referral to a collection agency or filing a lien against the property.

#### Administrative Citation Update

The Administrative Citation Program has continued to be an effective tool for Code Enforcement Staff in gaining compliance with City regulations relating to unpermitted construction, substandard housing, illegal dwelling units, outdoor dining violations, signage

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violations, outdoor merchandising, illegal wastewater disposal, garbage service violations, and stormwater and illegal discharges or other municipal code violations.

The following is a summary of Code Enforcement activity for the Building & Safety Division for the period of September 1, 2009 to September 1, 2013:

Complaints Received	1,653
Notice of Violation Issued	524
Notice & Order Issued	82
Admin Citation 30-Day Warning Letter	723
Admin Citation 1 <sup>st</sup> Offense	117
Admin Citation 2 <sup>nd</sup> Offense	55
Admin Citation 3 <sup>rd</sup> or more Offense	41
Referred to City Attorney's Office	59
Case Abated	920
No Violation	330

Unpaid Administrative Fines

The current list of unpaid citations includes 33 properties. Building and Safety has recently mailed a letter to the property owners notifying them of the amount due in the hopes they will pay their citation(s). The total amount of the 33 unpaid citations is \$163,850.

In the past, unpaid citations were imposed as a special assessment by the County Assessor's office against the property, enabling the City to immediately receive the funds from the County, while the County was paid when the property taxes were paid. However, as of June 2006, the County made the decision to not participate in this type of program. The current system will allow the unpaid citations in the amount of \$3,000 or more to be referred to the City's Attorney Office to place a lien against the property for collection when the property is sold or refinanced. Unpaid citations of less than \$3,000 will be sent to a collection agency.

Although the fines may be paid, it still does not excuse the responsible party from correcting the code violations. Of the 33 cases with fines that are at least 60 days delinquent, 21 have been closed or abated.

Next Steps

The property owners have received notice in accordance with Santa Barbara Municipal Code Section 1.25.060 and have been provided the full opportunity to pay their citations. The list of properties with delinquent citations is an Exhibit to the attached Resolution, and was prepared on August 14, 2013. Staff expects that some of the property owners on the list will pay their fines before the September 10, 2013 Council meeting. The final list of delinquent property owners will be prepared on September 12, 2013, and submitted to the City Clerk's Office prior to that office confirming the Resolution.

Once the City Council adopts the Resolution, and it is conformed by the City Clerk's Office, the City Attorney's Office will file a lien on each property with outstanding fines of \$3,000 or more and send all property owners owing less than \$3,000 to a collection agency.

**ATTACHMENT:** List of Property Owners who have Outstanding Fines Delinquent 60 days or More

**PREPARED BY:** Lauren Anderson, Code Enforcement Coordinator

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office

**Property Owners Who have Outstanding Fines Delinquent 60 days or More**

8/26/2013

<b>Case Number</b>	<b>Address where Violations Occurred</b>	<b>APN</b>	<b>Property Owner's Name and Address</b>	<b>Total Fine Amount Due</b>	<b>Department or Division that Issued the Citation</b>
ENF2001-00456 000118	316 W. Alamar Ave. SB 93105	051-310-016	Pilar Baize 316 W. Alamar Ave. SB 93105	\$5,250	BLDG
ENF2008-00033 000684	1429 Clearview Rd., SB 93101	041-102-009	Amy Sachs/Mitchell B Sjerven 1429 Clearview Rd. SB 93101	\$3,000	BLDG
ENF2009-00933 000773	425 Conejo Rd, SB 93103	019-050-012	Robert R McNall Trust 12-14-07 427 Conejo Rd., SB 93103	\$8,600	BLDG
ENF2008-00903 000774	111 N Milpas St., SB 93103	017-083-013	Abraham Safina Trustee (for) Abraham Safina Trust 1/17/95, Michael Safina Trustee (for Michael Safina Trust 1/17/95), William Safina Trustee (for) William Safina Trust 3/7/95, Freeman, Geraldine Lee, Trustee 217 E. Constance Ave., SB 93105	\$3,000	BLDG
ENF2008-01302 000777	510 N. Voluntario St. SB 93103	031-251-020	Joanne E. Stafford 2003 Revocable Trust 3/4/03, Joanne Elaine Stafford Trustee, 510 N. Voluntario St., SB 93103	\$5,250	BLDG

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ENF2008-01444 000789	817 Castillo St., SB 93101	037-031-011	Pearson Family Bypass Trust, Eleanor J. Pearson Trustee, 7133 Ruane St., San Diego CA 92119-1210	\$3,000	BLDG
ENF2009-00733 000790	308 N. Soledad St., SB 93103	031-383-012	Claire May Lang Chisholm, Cheryl Chisholm Trustee, Estate of William Chisholm 5322 Deane Ave. Los Angeles CA 90043	\$3,000	BLDG
ENF2010-00507 000806	917 Alphonse St., SB 93103	031-182-013	Gilbert James Short & Rosemary Short, 917 Alphonse St., SB 93103	\$15,000	BLDG
ENF 2009-01436 000807	1719 Pampas Ave. SB 93101	043-173-008	Fredrick Herzog IV, 1719 Pampas Ave. SB 93101	\$7,500	BLDG
ENF2010-00628 000816	612 W. Mission St., SB 93101	043-092-015	Francisco H Espineli, Jr., 1114 State St. Suite 200 SB 93101	\$8,200	BLDG
ENF2010-00583 000821	115 E. Gutierrez St. SB 93101	031-271-030	Jesse P Aldana & Mindy M. Aldana 1918 Emerson Ave. SB 93103	\$7,300	BLDG
ENF2010-00315 000826	530 W. Cota St., SB 93101	037-102-024	Terri Trevillian, 1986 Jelinda Dr. SB 93108	\$3,000	BLDG
ENF2011-00092 000837	1229 E. Yanonali St. SB 93103	017-062-013	Abraham Safina Trustee (for) Abraham Safina Trust 1/17/95, Michael Safina Trustee (for Michael Safina Trust	\$15,500	BLDG

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			1/17/95), William Safina Trustee (for William Safina Trust 3/7/95, Freeman, Geraldine Lee, Trustee 217 E. Constance Ave., SB 93105		
ENF2011-00630 000852	21 N. Milpas St. SB 93103	017-123-013	Guanahani Milpas LLC W. Wright Watling, P.O. Box 40812, SB 93140-0812	\$100	ZONING
ENF2011-00008 000856	227 W. Figueroa St., SB 93101	039-271-001	Rafael M. Mendez Living Trust 4/18/07, Rafael M. Mendez Trustee, 406 W. Figueroa St. SB 93101	\$3,000	BLDG
ENF2010-01069 000869	317 Northridge Rd., SB 93105	055-131-009	Victoria J. Trevillian, 317 Northridge Rd., SB 93105	\$500	BLDG
ENF2011-00466 000871	824 Alston Rd., SB 93108	015-173-014	Mark Abrishami & Shiva Habib, 824 Alston Rd., SB 93108	\$7,500	BLDG
ENF2011-00713 000872	1110 E. Gutierrez St., SB 93103	031-381-003	Lemuel Raise, 1636 Ruston St., South Euclid, OH 44121	\$7,500	BLDG
ENF2009-00913 000874	607 Del Monte Ave., SB 93101	037-022-010	James Salsido Living Trust, James P. Salsido Trustee, 27 Leslie Dr. SB 93105	\$7,500	BLDG

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ENF2010-01046 000882	39 Alston Pl., SB 93108	015-161-039	Coleen K McElroy, P.O. Box 331, Crested Butte, CO 81224	\$8,400	BLDG
ENF2011-00361 000885	481 Terrace Rd., SB 93109	035-192-014	Jules L Federman, 481 Terrace Rd., SB 93109	\$3,000	BLDG
ENF2011-00838 000920	272 El Cielito Rd., SB 93103	021-084-003	Santandrea Family Trust 5/12/99, Carmine Santandrea Trustee, Caroline Santandrea Trustee, a/o Sotheby's Int'l realty, 1106 Coast Village Rd, SB 93108	\$3,000	BLDG
ENF2011-00791 000897	1630 Overlook ln. SB 93103	015-192-009	Paul E. Berquist, 1630 Overlook ln. SB 93103	\$7,500	BLDG
ENF2012-00172 000898	2082 Las Canoas Rd., SB 93105	021-030-037	Ron Petelski & Laura Miles, 11693 San Vincente Blvd. Los Angeles, CA 90049	\$3,000	BLDG
ENF2011-00317 000901	27 Leslie Dr. SB 93105	051-352-004	James Salsido Living Trust, James P, Salsido Trustee, 27 Leslie Dr., SB 93105	\$7,500	BLDG
ENF2010-00505 000910	1231 E. Yanonali St. SB 93103	017-062-011	Abraham Safina Trustee (for) Abraham Safina Trust 1/17/95, Michael Safina Trustee (for Michael Safina Trust 1/17/95), William Safina Trustee (for) William Safina Trust 3/7/95, Freeman,	\$7,500	BLDG

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			Geraldine Lee, Trustee 217 E. Constance Ave., SB 93105		
ENF2011-00127 000825	530 W.Cota St., SB 93101	037-102-024	Terri Trevillian, 1986 Jelinda Dr., SB 93108	\$100	CREEKS
ENF2011-00219 000921	502 E. Anapamu St., SB 93101	029-180-001	Neil/Sue Williamson Family Trust 3/27/01, Sue C. Willaimson Trustee 154 Bucks Pocket Dr., New Market AL, 35761 3463 State St. #338, SB 93105	\$7,000	BLDG
ENF2012-00127 00896	1205 Gillespie St., SB 93101		Metropolitan Equities, 114 W. Mission St., SB 93101	\$200	SOLID WASTE
ENF2012-01060 000930	211 Helena Ave. SB 93101 (AKA 214 State St. SB 93101)	033-051-015	Hughes Land Holding Trust 5/9/84 618 Anacapa St. #A, SB 93102	\$200	ZONING
ENF2011-00732 000844	1233 De La Vina St., SB 93101	039-171-006	First Hawaiian Equity Corp. 114 W. Mission St., SB 93101	\$250	ZONING
ENF2008-00728 000812	1935 Robbins St., SB 93101	043-112-001	Sadie M. Stern, 7805 Leavorite, Las Vegas ,NV 89128	\$2,000	BLDG
ENF2013-00368 000943	1129 State St., SB 93101	039-231-037	1129 State st. 1231 B. State St., SB 93101	\$500	ZONING

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33				163,850.00	