

**CITY OF CITRUS HEIGHTS  
CITY COUNCIL  
MINUTES  
Special Meeting of Thursday, May 14, 2020  
Virtually from the City Hall Council Chambers  
6360 Fountain Square Drive, Citrus Heights, CA**

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**CALL SPECIAL MEETING TO ORDER**

The special meeting was called to order at 5:00 p.m. by Mayor Slowey.

1. Roll Call: Council Members present: Bruins, Middleton, Miller, Slowey  
Council Members absent: Daniels  
Staff present: Anderson, Boyd, Jones, Van and department directors.

**PUBLIC COMMENT**

None

**CONSENT CALENDAR**

2. **SUBJECT:** Adopting a Resolution Reaffirming the Current Proclamation Declaring the Existence of a Local Emergency Regarding Novel Coronavirus (COVID-19)  
**STAFF REPORT:** C. Boyd  
**RECOMMENDATION:** Adopt Resolution No. 2020-039, A Resolution of the City Council of the City of Citrus Heights, California, Reaffirming the Existence of a Local Emergency Due to COVID-19

**ACTION:** On a motion by Council Member Bruins, seconded by Council Member Middleton, the City Council approved Consent Calendar Item 2.

AYES: Bruins, Middleton, Miller, Slowey  
NOES: None  
ABSENT: Daniels

**PUBLIC HEARING**

3. **SUBJECT:** Hearing on Report of Costs Pursuant to Citrus Heights Municipal Code Section 50-238 – 7210 Greenback Ln.  
**STAFF REPORT:** C. McDuffee / A. Van / G. Anderson  
**RECOMMENDATION:** Adopt Resolution No. 2020-040, A Resolution of the City Council of the City of Citrus Heights, California, Confirming the Report of Abatement Costs for Property Located at 7210 Greenback Ln. and Ordering the Cost be Made an Assessment Against the Property

City Attorney Jones explained this is a hearing to recover abatement costs, which is done in the most challenging of cases when our standard code enforcement actions do not accomplish compliance. The City has given the property owner a number of opportunities to comply, including notice to be present. All of the costs have been accounted for and presented to the City Council as exhibits. He stated the City Council does have the authority to pass a resolution to recover all of

these costs associated with this matter. The total amount is \$105,783.53. He introduced Veronica Donovan with Jones & Mayer who would give the presentation.

Veronica Donovan stated the City Council received a binder of documents, which contains several exhibits that she will refer to throughout the presentation.

The abatement hearing proceeded as follows:

Ms. Donovan: I would like to call Greg Anderson at this time as a witness for this hearing.

Greg Anderson: Good evening Mayor and Members of the Council, Greg Anderson Chief Building Official.

Ms. Donovan: Thank you for being here as you have stated your name on the record already and your title, could you tell the members of the Council by whom you're employed for the record.

Mr. Anderson: The City of Citrus Heights.

Ms. Donovan: How long have you been employed as the Chief Building Official.

Mr. Anderson: Nine years.

Ms. Donovan: We are going to be talking about 7210 Greenback Lane tonight, are you familiar with this property?

Mr. Anderson: Yes, I am.

Ms. Donovan: Has the property been problematic in the past for the City?

Mr. Anderson: It had been as far back as 2008.

Ms. Donovan: Slide 2 depicts the before and after photos. Before any abatement action was taken by the City and after. Can you confirm that these pictures do accurately depict what the property looked like before and after the abatement?

Mr. Anderson: Yes they do.

Ms. Donovan: The Municipal Code provides authority for such an abatement action. The specific code sections are in Exhibit 1 of the binder. The Code section gives the authority to take the abatement action and how the costs can be collected by the City that were incurred due to the abatement action. Could you speak to violations that have existed on the property?

Mr. Anderson: Early on, the violations on the property started from a building standpoint. We had an old commercial building, which used to be a barber shop that was being occupied as living space by Mr. Petker and a number of tenants. We received calls from some people that had claimed to be tenants within that space and they informed us that he had been making alternations to the building. At such time we went out to try and make contact with Mr. Petker to verify those claims. We did notice there was a lot of vehicles on the property and that people were coming and going and the business was never actually ever opened as a barber shop even though the sign was in window as a

barber shop. We never had a business license or any type of business at the location. So for a number of years we were going back and forth with Mr. Petker trying to get access. We wrote a notice of violation about the illegal occupancy of the commercial building. He denied access at every point. He informed me multiple times he would never allow any city authorities inside the building without a warrant. This went on for a couple of years until we started having some code enforcement issues as far as vehicles, motorhomes, RVs, and things of that nature that were accumulating on the site. We started having more problems and complaints with a number of people and vehicles onsite. We started having graffiti, trash, and debris starting to build up. There was always weeds and trees that were a problem. That went on for a couple of years. We finally got the vehicles and the people that were living there moved. The building became vacant and we started having graffiti and squatters on the property. We had some issues with the electrical being vandalized. We had the electrical disconnected by SMUD because of the hazards on the outside of the building. People were stealing the wires and fuses out of the main panel. At one point in July 2019, we had a structure fire which started on the outside of the building. It actually extended into the roof structure of the building and created a lot of structural damage to the roof / ceiling structure inside the building where it was partially collapsing. At that point we declared it a dangerous building. Myself and the Sacramento Metro Fire Marshall declared it a dangerous building because of the fire hazard. There was an enormous amount of flammable debris inside the building and because the building was actually boarded up because it vacant it created a serious hazard not only for any vagrants that could possibly be in the building, which they were constantly breaking in and occupying the building, but because they would have no way out. It also created a fire hazard for fire responders responding to the fire. It also created a hazard for adjoining properties, so we declared it a dangerous building at that time and that is where we moved forward to this abatement process.

Ms. Donovan: The Municipal Code 50-236(a) indicates that if a nuisance isn't abated by the property owner then it can be abated by the City. The property was declared a public nuisance pursuant to a hearing that was held by the City and that was done on May 21, 2019. Subsequently a notice and order was issued and it gave a specific timeframe in which the property owner was to abate that nuisance. Was that nuisance abated by the property owner?

Mr. Anderson: It was not.

Ms. Donovan: And at that time the City decided to obtain an abatement warrant to be able to abate it themselves, correct?

Mr. Anderson: Correct.

Ms. Donovan: And that was done on November 16, 2019. You will see in your binders Exhibit 2 is a copy of that abatement warrant. Just to authenticate this document is this the abatement warrant that was obtained in November of 2019?

Mr. Anderson: Yes it is.

Ms. Donovan: Execution of the warrant happened thereafter and several contractors were hired in order to complete that abatement. Exhibit 3 in your binder are photographs of the abatement. The photographs that are depicted on my slides are only a few just to highlight the key points, but there are several other photographs in your binders. The abatement took place between November 22,

2019 and December 10, 2019. Moving on to the photos, if you could describe the photographs that Council is seeing.

Mr. Anderson: The first two photographs are actually the day that I obtained the abatement warrant and I went out to the property to post it. You can actually see the back door, the property had been breached and it had been broken into and there were people on the property and in the building at the time. In the next photographs, one is on the interior of the building and you can see above at the top the fire damage to the structure, the roof and the ceiling and a lot of the debris that is in the building. The depth of the debris was four to five feet and that was throughout the entire building and it was pretty much all flammable material. Fire had a very hard time getting in the building and getting around the building to secure it and extinguish the fire. The other picture is of the exterior property, it is in the far corner. This was actually under some very overgrown Mulberry trees and this is where we had squatters that had been coming and going off of the property back and forth for months and months. We would get them off the property and they would just come back. They were dragging not only new stuff on the property, all this debris, but they kept breaking inside the building and dragging a lot of the debris out. This stuff was not only getting spread over the property, it was showing up across the street in the shopping center. Underneath this tree just on the outside alone we filled a 20 yard dumpster with the debris in this one corner alone. So that kind of gives you an idea of how much debris was on the property and inside the building. The next pictures were probably the second day that the abatement process started. The beginning of the abatement process was the removal of asbestos. The asbestos that they found within this building really only pertained to the floor itself. But due to the debris that was throughout the building it had to be removed prior to the asbestos abatement of the floor. On day one when they started removing the debris they found that there was hypodermic needles mixed in with all the debris on the grounds so they had to treat the whole entire debris removal as hazardous waste. It had to be bagged and they had to be outfitted with the PPE equipment, as you can see, and obviously the costs went up on the abatement of the asbestos. Lastly, the next photos are of the beginning of the demolition of the building. So at this point all the debris was removed from the inside of the building, asbestos was removed, and they proceeded to demolish the building. In the next two pictures, one is of the site when it was cleaned up, how the trees were trimmed up and the weeds were removed so we had a clear site through the property. We trimmed up all the trees to a height of eight to ten feet off of grade. We scraped weeds and debris off the pad so it was nice and clean. The next photograph was just sweeping off the dirt that was left on the parking lot. The only thing that was left was the paving. We left that intact so we could mitigate any erosion control onto the public sidewalk and gutter.

Ms. Donovan: The Director, after the abatement, is supposed to create an itemized account of costs and deliver it to the property owner. If the property owner doesn't pay that amount in 45 days, then the City can take further action in order to collect those costs. As I mentioned before, the notice of the costs must be billed to the owner. Notice shall advise the owner that the costs are due and that if the costs are not paid they can become a personal debt of the owner or be assessed against the property. In order to assess the property the City Council may take action in order to do that. Mr. Petker was given notice of this hearing and of the costs, correct?

Mr. Anderson: Yes he was.

Ms. Donovan: And that was done on February 12, 2020, correct?

Mr. Anderson: Correct.

Ms. Donovan: Did you send him notice via a letter?

Mr. Anderson: I did initially, I met Mr. Petker in the office here at City Hall at the front counter and hand delivered the entire package to him and had a chance to sit down and actually go over the notice. I also did mail him a certified copy as well to his home address.

Ms. Donovan: You will see in your binders Exhibit 4 is that notice to Mr. Petker, the property owner. The document contained both the notice, sections of the Municipal Code, and the invoices of those costs, correct?

Mr. Anderson: Correct.

Ms. Donovan: Briefly, to go over the document that is provided in Exhibit 4, can you confirm for us that this is a true and correct copy of the notice that you provided?

Mr. Anderson: Yes it is.

Ms. Donovan: And you sent the notice by mail or were you able to deliver it to him in person?

Mr. Anderson: Both.

Ms. Donovan: If the property owner does not pay pursuant to the Municipal Code, the Director is supposed to create an itemized report, and in this case Mr. Anderson did create the report and that is Exhibit 5 in your binders. In this report there are several items and referring back to the City Attorney's comments earlier in this presentation, the total amount is provided on this document. Did you create this report?

Mr. Anderson: Yes I did.

Ms. Donovan: And is it a true and correct copy of the report you created?

Mr. Anderson: Yes it is.

Ms. Donovan: Can you explain for the Council what the first item is – Outstanding Code Enforcement Non-compliance and Re-inspection Fees.

Mr. Anderson: This is for the multiple violations that they had through the Code Enforcement Chapter 50. There was different stuff like graffiti, weeds, unregistered vehicles, just a multitude of things. The re-inspection fees basically are applied on their re-inspection, which they typically do about every once a month or every three or four weeks. Those fines just keep accumulating if they are not paid and if they are not abated.

Ms. Donovan: And the total amount of those fees is \$12,929, and the invoices for those fees and costs, those are included in the staff report, is that correct?

Mr. Anderson: Yes they are.

Ms. Donovan: The next item is Continuous Emergency Board-up of Vacant Dangerous Property, can you explain for Council a little bit about what that means.

Mr. Anderson: It means that the building was vacant and abandoned and we were not getting a response from the property owner to secure his own building and the dangerous conditions within the building. The building continuously was vandalized and broke into over and over again, and when it came to our attention whether it was the Building Department or Code Enforcement we both had the ability to contact the board-up crew to come back out and re-secure the building. So those were an accumulation of multiple calls to the emergency board-up crew to come back out and secure the building.

Ms. Donovan: And the total of that is \$5,346.91 and are the invoices associated with those costs included in the staff report?

Mr. Anderson: Yes they are.

Ms. Donovan: The next item is Replacement of Padlocks for Building Vandalism, can you speak briefly about what those costs were associated with.

Mr. Anderson: Just replacement locks. The locks were being cut off the main entrance door.

Ms. Donovan: And the total of those is \$15.06 and are those invoices included in your staff report?

Mr. Anderson: Yes they are.

Ms. Donovan: The next item Asbestos Survey Require Prior to Demo of Structure can you speak briefly about what those costs entail.

Mr. Anderson: Yes, this was for the asbestos abatement contractor to come out and do their survey for the asbestos testing and provide the test results.

Ms. Donovan: And the total cost of that was \$994.75 and is that part of your staff report?

Mr. Anderson: Yes.

Ms. Donovan: The next item arborist report can you speak a little bit about that.

Mr. Anderson: This was an inspection of the trees by our arborist to come out and do a review and a summary prior to the tree trimming.

Ms. Donovan: And the total of that report was \$337.65 and the invoices associated with that are those included in your staff report?

Mr. Anderson: Yes they are.

Ms. Donovan: And the next item Tree Trimming Services could you speak briefly about that.

Mr. Anderson: The tree trimming services were for the day that the tree trimming service actually came out and trimmed all the trees on the property according to the arborist's report.

Ms. Donovan: And the invoices for those fees and costs that are associated with that is that included in your staff report?

Mr. Anderson: Yes it is.

Ms. Donovan: And the next item Parking Fees at Sacramento County Courthouse can you speak briefly about that please.

Mr. Anderson: This was for the few trips that I made to Sacramento Superior Court to obtain the inspection warrant and the abatement warrant.

Ms. Donovan: And the total for that was \$10.50 and the invoices associated with that cost are those included in your staff report?

Mr. Anderson: Yes they are.

Ms. Donovan: And the next item Demolition of Structure and Debris Removal from the property, could you speak briefly about that please.

Mr. Anderson: This was the contract price for the demolition and removal of the structure and clearing of the property.

Ms. Donovan: And the total of that cost was \$62,519.75, the bill associated with that demolition of the structure is that included in your staff report?

Mr. Anderson: Yes it is.

Ms. Donovan: And the Attorney's Fees can you speak briefly about that.

Mr. Anderson: There was a lot of contact with the City Attorney involved with obtaining the inspection warrant and abatement warrant and the process all the way through to this hearing.

Ms. Donovan: And the total for that cost was \$8,025.32 and the invoices associated with that cost was that included in your staff report?

Mr. Anderson: Yes it is.

Ms. Donovan: And finally City Staff Labor Costs could you speak briefly about that.

Mr. Anderson: Yes this is a total accumulation of all the City staff that were involved in the efforts of the abatement of this property. It was pretty detailed being that this abatement process went over a period of years, so each individual was calculated based on their fully loaded calculated rate at that time. There was different years so it was pretty detailed to have to go back and get those figures.

Ms. Donovan: And the total amount of City staff labor costs was \$13,450.51 and the invoices associated with that cost are those included in your staff report?

Mr. Anderson: Yes they are.

Ms. Donovan: The next item I would like to discuss is the hearing of costs of abatement that is what we are holding today. There are several requirements that go along with holding this hearing and items that the City has to complete in order to successfully and legally assess the property for the costs of the abatement. The notice of hearing and the proof of publication are both included as exhibits in your binders and we will talk about them briefly. Was a notice of public hearing prepared for the hearing today?

Mr. Anderson: Yes it was.

Ms. Donovan: And does the document on the left side of the screen depict an almost true and accurate copy of that notice?

Mr. Anderson: Yes it does.

Ms. Donovan: And there are a couple of items at the top of the document can you explain for Council what those items are, there is a little bit of handwriting and a stamp.

Mr. Anderson: Yes it is a postal service tracking number and receipt. The handwriting is the date that we had sent that out.

Ms. Donovan: And this document was it sent to the property owner?

Mr. Anderson: Yes it was.

Ms. Donovan: And how was that sent?

Mr. Anderson: Certified mail.

Ms. Donovan: And another requirement of holding this hearing is to publish the notice in a newspaper of general circulation. Did you cause the notice to be printed in such a newspaper?

Mr. Anderson: Yes

Ms. Donovan: And when did that take place? Was it at least 10 days before the hearing?

Mr. Anderson: It was definitely 10 days before the hearing.

Ms. Donovan: And did you send notice to the property owner at least 10 days before the hearing as well?

Mr. Anderson: Yes we did.

Ms. Donovan: So at this time Council shall consider the evidence that is presented to them including the report and any objections or protests. The City Council may make revisions or corrections or modifications to the report and by motion you will confirm the report. Staff's recommendation is to confirm the report as presented and in doing so the City will cause the property to be assessed by that total amount previously states and it would become a personal debt

of the property owner Mr. Petker. At this time I would like to move all of the documents into the record, all of the documents that are exhibits that are included in your binder.

City Attorney Jones stated Council can ask questions but at some point we need to open the public hearing and see if there are any comments from the public, then close the public hearing and the City Council can deliberate and take action.

Mayor Slowey opened the public hearing at 5:34 p.m., hearing no speakers the Mayor closed the public hearing.

**ACTION:** On a motion by Council Member Bruins, seconded by Vice Mayor Miller, the City Council adopted Resolution No. 2020-040, A Resolution of the City Council of the City of Citrus Heights, California, Confirming the Report of Abatement Costs for Property Located at 7210 Greenback Ln. and Ordering the Cost be Made an Assessment Against the Property.

AYES: Bruins, Middleton, Miller, Slowey  
NOES: None  
ABSENT: Daniels

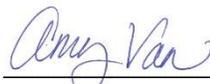
### **CITY MANAGER ITEMS**

City Manager Boyd provided a brief report on the Great Plates program in the City to help businesses. This program is made available through FEMA and funneled through CAL OES and distributed down to local governments. The delivery program provides free meals to seniors while simultaneously supporting local restaurants. This program will provide three meals a day from Citrus Heights restaurants. We have signed up 13 local restaurants and 135 qualified seniors and our goal is to enroll a total of 20 restaurants and 500 seniors. We will start meal delivery as early as possible but no later than Tuesday. This program represents almost a \$1 million of federal assistance for our business community for the next 30 days, and may last for a total of 90 days depending on extensions are provided from FEMA to CAL OES. Restaurants can make up to \$13,000 a week and seniors over 65 can qualify if they make no more than \$74,900 a year and no more than \$100,000 for a couple and are not enrolled in other state or federally supported benefit programs. Seniors 60 to 64 may qualify if they meet certain at risk program criteria.

### **ADJOURNMENT**

Mayor Slowey adjourned the special meeting at 5:45 p.m.

Respectfully submitted,



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Amy Van, City Clerk