



**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**FEBRUARY 7, 2019
3:00 P.M.**

3:00 P.M. ROLL CALL Deborah Simpson, Chairperson
Ademuyiwa "Ade" Adeyemi, Vice Chairperson
Marie Livingston
Darrell Goodbeer
Vacant
Vacant, Alternate

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR DECEMBER 6, 2018

Recommended Action: Motion to approve the minutes.

STAFF REPORT

B. CODE ENFORCEMENT APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF NOVEMBER 2018

Recommendation: The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board shall also direct that the same be recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

STAFF REPORT

PUBLIC COMMENTS—*Only unagendized issues will be discussed during this time*

WRITTEN/ORAL COMMUNICATIONS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. Materials provided regarding the agenda items will be available at the following website: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/> or at the City Clerk's Office, City Hall, 200 H Street, Antioch, CA 94509, Monday through Friday, 8:00 a.m. to 5:00 p.m., for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. The meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

Notice of Opportunity to Address the Committee

The public has the opportunity to address the Board on each agenda item. To address the Board, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section on the agenda. No one may speak more than once on an agenda item or during "Public Comments".

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting
3:00 P.M.**

**December 6, 2018
Council Chambers**

Vice Chairperson Adeyemi called the meeting to order at 3:00 P.M. on Thursday, December 6, 2018 in the Council Chambers.

ROLL CALL:

Present: Board Members Adeyemi, Faraji, Livingston, Goodbeer
Absent: Chairperson Simpson

Staff Present: Interim City Attorney, David Richie
City Clerk, Arne Simonsen
Minutes Clerk, Kitty Eiden
Finance Services Supervisor, Lisa Saunders
Business License Representative, Claudia Argenal
Administrative Analyst, Tammy Leach
Code Enforcement Assistant, Denise Skaggs

PLEDGE OF ALLEGIANCE

Chairperson Simpson led the board, staff and public in the Pledge of Allegiance.

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR NOVEMBER 1, 2018

On motion by Board Member Goodbeer, seconded by Board Member Livingston, the Board of Administrative Appeals approved the Minutes for November 1, 2018. The motion carried the following vote:

Ayes: Faraji, Goodbeer, Livingston, Adeyemi

Absent: Simpson

B. CODE ENFORCEMENT - APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF SEPTEMBER AND OCTOBER 2018

Code Enforcement Assistant Skaggs reported there had been no changes in abatements since the staff report had been published.

On motion by Board Member Livingston, seconded by Board Member Goodbeer, the Board of Administrative Appeals confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board also directed

that the same be recorded with the Contra Costa County Recorder's Office. The motion carried the following vote:

Ayes: Faraji, Goodbeer, Livingston, Adeyemi

Absent: Simpson

C. BUSINESS LICENSE – APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR THE MONTHS OF NOVEMBER 2018

City Clerk Simonsen reported there was a Supplemental Staff Report provided to the Board of Administrative Appeals for Item 1C with additional information from the Finance Department.

In response to Board Member Goodbeer, City Clerk Simonsen reported the revised amount for the Unpaid Business License Taxes and/or Administrative Citation(s) for the month of November 2018 was \$35,428.00.

On motion by Board Member Livingston, seconded by Board Member Goodbeer, the Board of Administrative Appeals confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board also directed that the same be recorded with the Contra Costa County Recorder's Office. The motion carried the following vote:

Ayes: Faraji, Goodbeer, Livingston, Adeyemi

Absent: Simpson

2. REGULAR AGENDA

Interim City Attorney Richie explained the manner in which the proceedings would be conducted.

OATH for all intending to testify

City Clerk Simonsen administered the Oath to all those intending to testify.

A. ADMINISTRATIVE CITATION NO. 6113 – APPEAL FILED BY WINT LWIN FOR THE PROPERTY LOCATED AT 1517 C, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE “BUSINESS LICENSE REQUIRED” [§3-1.103]

Finance Services Supervisor Saunders presented the staff report dated November 28, 2018 recommending the Board of Administrative Appeals uphold the \$100 Administrative Citation No. 6113 issued on September 17, 2018 for violation of the Antioch Municipal Code Business License Required and Residential Landlord Business License Tax (Measure O).

Wint Lwin requested the Board waive the \$100.00 Administrative Citation fee. She explained that when they purchased two properties last year, she believed she purchased a business license for both properties. She noted she was not aware of the date the licenses were due because her mailing address had changed. She further noted in September, she reached out to the Finance Department asking when she should be expecting the business license renewal

and she received an email that the City had sent mail to her on June 21, 2018. She stated she had a mail forwarding service; however, she did not receive the letter. She reported that a second reminder dated September 17, 2018 was postmarked September 25, 2018 and received on September 28, 2018. She noted that as soon as it was received, she immediately came to the Finance Department, and paid all fees. She commented that if she would have received notifications in a timely manner, she would have paid them on time. She stated that she had talked to the Finance Department who informed her that at the beginning of the year they had a staff change so she was unsure if the staff member she had talked to failed to update her address. She clarified that she did not intentionally fail to pay her bill, she was just unaware of the due date. She reiterated her request for the Board to waive administrative fees because of miscommunication and misunderstanding.

In response to Board Member Goodbeer, Ms. Lwin clarified that she believed that the business license covered both properties. She stated when she submitted the application, she was not informed business licenses were annual and residential business licenses were due in June. She noted that when she originally came to the City, she filled out the forms given to her and paid the fees. She commented that she had informed the City she had purchased the properties and asked for direction. She stated when she filled out the forms, she believed they were for both properties.

Board Member Goodbeer stated that if there was a specific form that had caused the appellant confusion, it would have been helpful if it was presented this afternoon.

Ms. Lwin stated that she did not request any copies of the forms.

In response to Board Member Faraji, Ms. Lwin clarified that she had two properties; one was a business and the other a rental property. She noted they had different due dates and different fees which she was not aware of as she believed both licenses were due annually on the purchase date.

In response to Vice Chairperson Adeyemi, Finance Services Supervisor Saunders clarified that Mr. Lwin only licensed the business and the business license application asked to list all addresses; however, the 1517 C Street address was not listed. She noted there had to be a business license and number for each property.

Vice Chairperson Adeyemi closed the public hearing.

Vice Chairperson Adeyemi stated the appellant purchased two properties, a business and a residence; however, she only applied for a license for her business.

Board Member Livingston stated there was no mention of the rental property in the application; therefore, there was confusion on the appellant's part and it was incumbent upon her to make sure that she received separate licenses.

On motion by Board Member Livingston, seconded by Board Member Faraji, the Board of Administrative Appeals denied the appeal and upheld the citation. The motion carried the following vote:

Ayes: Faraji, Goodbeer, Livingston

Noes: Adeyemi

Absent: Simpson

PUBLIC COMMENTS

Stephanie Lopez, Antioch resident, expressed concern regarding the homeless who were loitering in the Food for Less Shopping Center and at the Amtrak Station. She requested that the City address this issue with the property owner and increase police enforcement efforts in these areas. She thanked the Board of Administrative Appeals for their service.

Vice Chairperson Adeyemi discussed the role of the Board of Administrative Appeals and encouraged Ms. Lopez to address this issue with the City Council.

Board Member Goodbeer thanked Ms. Lopez for her comments.

Ms. Lopez responded that she cared about the City and she wished everyone a happy holiday.

WRITTEN/ORAL COMMUNICATIONS

City Clerk Simonsen announced that the January 3, 2018 Board of Administrative Appeals meeting was cancelled due to the holiday week. He stated the City was advertising for the vacancy of the alternate position for the Board of Administrative Appeals and the deadline for applications was December 21, 2018. He announced the resignation of Board Member Faraji effective January 1, 2019 and noted she would be missed.

Board Member Adeyemi thanked Board Member Faraji for her service on the Board of Administrative Appeals. He expressed concern regarding the City Council's action to overturn a decision of the Board. He noted that he was sorry Board Member Faraji was resigning and noted that if Council continued to overturn decisions, no one would be willing to serve on a Board or Commission.

Board Member Faraji stated she had informed Deputy City Clerk Garcia that she would be attending this afternoon to assure that there would be a quorum for the meeting. She also discussed Council's action to overturn a recent decision of the Board. She explained that she felt the Board had acted appropriately and she was resigning because she no longer felt comfortable making decisions that Council could overturn. She noted it was her pleasure to serve and she would find another Commission to serve the community. She expressed her appreciation to staff and fellow Board members.

Interim City Attorney Richie cautioned the Board that they were getting away from the subject matter.

Vice Chairperson Adeyemi responded that he was getting away from the subject matter because he was upset with the City Council.

Interim City Attorney Richie stated he appreciated Vice Chairperson Adeyemi's opinion; however, in terms of agendized items and discussion points, the Board was straying into political matters that were not proper for an agenda.

Vice Chairperson Adeyemi reiterated that they were just upset.

Interim City Attorney Richie stated that he understood and he valued everything that volunteers did on behalf of the City; however, he would like the meeting agenda to follow through the normal process. He noted if there were other issues that were not agendized, that discussion would be proper for another forum.

Board Member Livingston stated she would miss and she admired Board Member Faraji for her courage to stand up for what she believed in. She noted it was a pleasure to serve with her and thanked her for her service.

Board Member Goodbeer agreed with Board Member Livingston's comments.

Board Member Adeyemi thanked everyone and wished them a Merry Christmas, and a Happy New Year.

ADJOURNMENT

Vice Chairperson Adeyemi adjourned the Administrative Board of Appeals meeting at 3:40 P.M. to the next regularly scheduled meeting on February 7, 2019.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR
CONSIDERATION AT THE HEARING ON FEBRUARY 7, 2019**

Prepared by: Curt Michael, Code Enforcement Manager *CM*
Date: January 29, 2019
Subject: Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Lien Processing Fees for the Month of November, 2018

RECOMMENDATION

The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property (Attachment "A"). The Board shall also direct that the same be recorded with the Contra Costa County Recorders Office and thereafter the assessment shall constitute a special assessment and lien against the property.

FISCAL IMPACT

The action will enable the City of Antioch to collect outstanding receivables against properties for the months of November, 2018 in the amount of **\$47,884.00**

BACKGROUND INFORMATION

Pursuant to Antioch Municipal Code §1-5.09 the City may collect any past due Administrative Citation fines, Abatements or late payment charges by use of special assessment liens and all action for recovery of money.

A Notice of Intent to Record Lien was sent to each property owner who is entitled to notice reflecting the property address directly connected to conditions or activities on the subject real property, assessors parcel number, the municipal code violation, administrative citation fine and copy of the administrative citations.

ATTACHMENT

A: List of assessments

CITATIONS
 ABATEMENTS FOR BOARD OF APPEALS - FEBRUARY 7, 2019

AR	Case	APN	Amount	Lien Processing Fee	ATTACHMENT A Site Address	Owner last	Owner first	Mailing address	Paid
AR155353	CE1809-035	056-280-067	\$335.00	\$296.00	5448 SMETZER WAY	ADRIANO	RICHARD	5448 SMETZER WAY	
AR155406	CE1809-035	056-280-067	\$775.00		5448 SMETZER WAY	ADRIANO	RICHARD	5448 SMETZER WAY	
AR155795	CE1809-035	056-280-067	\$1,325.00		5448 SMETZER WAY	ADRIANO	RICHARD	5448 SMETZER WAY	
AR155862	CD1808-079	053-090-002	\$555.00	\$296.00	2747 SAN ELIJO CT	BARTELS	DAVID W	235 ALAMO VIEW PL WALNUT CREEK	
AR155787	PE1810-126	067-272-008	\$445.00	\$296.00	207 LAWTON ST	CARTAMO	ARTHUR	207 LAWTON ST	
AR155864	PE1810-126	067-272-008	\$1,325.00		207 LAWTON ST	CARTAMO	ARTHUR	207 LAWTON ST	
AR155138	CD1801-055	071-326-001	\$1,325.00	\$296.00	2913 ENEA WAY	DEAN	DAVID W	2913 ENEA WAY	
AR155140	CE1809-067	055-580-009	\$110.00	\$296.00	2511 VALLECITO WAY	DICKSON	EMMA J	786 COLBY ST, SAN FRANCISCO	
AR155354	CE1809-067	055-580-009	\$775.00		2511 VALLECITO WAY	DICKSON	EMMA J	786 COLBY ST, SAN FRANCISCO	
AR155395	CE1809-067	055-580-009	\$1,325.00		2511 VALLECITO WAY	DICKSON	EMMA J	786 COLBY ST, SAN FRANCISCO	
AR155355	CD1809-031	071-175-011	\$335.00	\$296.00	30 CLEARBROOK RD	EICHELBAUG H	KELLY L	30 CLEARBROOK RD	
AR155025	CE1809-040	056-350-065	\$310.00	\$296.00	5006 LEDGEWOOD CT	GU	JUNYAO KONG LINGYU	5006 LEDGEWOOD CT	
AR155212	CE1808-092	055-440-003	\$335.00	\$303.00	1940 KERN MOUNTAIN WAY	GUZMAN	FRANCISCO & YUVIZA J	1940 KERN MOUNTAIN WAY	
AR155388	CE1808-092	055-440-003	\$775.00		1940 KERN MOUNTAIN WAY	GUZMAN	FRANCISCO & YUVIZA J	1940 KERN MOUNTAIN WAY	
AR155405	CE1808-092	055-440-003	\$1,325.00		1940 KERN MOUNTAIN WAY	GUZMAN	FRANCISCO & YUVIZA J	1940 KERN MOUNTAIN WAY	
AR155798	CE1809-064	053-181-003	\$445.00	\$296.00	4609 OAK MEADOW CT	HARRIS	MATTHEW S	4609 OAK MEADOW CT	
AR155869	CE1809-064	053-181-003	\$1,325.00		4609 OAK MEADOW CT	HARRIS	MATTHEW S	4609 OAK MEADOW CT	
AR156029	CE1809-064	053-181-003	\$2,425.00		4609 OAK MEADOW CT	HARRIS	MATTHEW S	4609 OAK MEADOW CT	
AR155136	CD1803-047	066-172-001	\$2,425.00	\$296.00	900 A STREET	HOUSE	PARI	1093 PETRONI WAY, SAN JOSE, CA	
AR155356	CD1803-047	066-172-001	\$4,625.00		900 A STREET	HOUSE	PARI	1093 PETRONI WAY, SAN JOSE, CA	
AR155527	CD1803-047	066-172-001	\$4,625.00		900 A STREET	HOUSE	PARI	1093 PETRONI WAY, SAN JOSE, CA	

CITATIONS
 ABATEMENTS FOR BOARD OF APPEALS - FEBRUARY 7, 2019
 ATTACHMENT A

AR155792	CD1809-019	051-272-008	\$335.00	\$296.00	1804 MODOC CT	KEYEE	INVESTMENTS LLC	1804 MODOC CT
AR155135	PE1806-009	067-324-008	\$775.00	\$296.00	112 JOHN GILDI AVE	MANIS	JERRY D	2333 CORDOBA WAY, ANTIUCH
AR155357	PE1806-009	067-324-008	\$1,325.00		112 JOHN GILDI AVE	MANIS	JERRY D	2333 CORDOBA WAY, ANTIUCH
AR155204	PE1808-051	067-060-009	\$335.00	\$303.00	516 W 11TH ST	MAJOR	KENNETH H & DIANE TRE	P.O.BOX484, CLAYTON, CA
AR155213	PE1809-004	067-181-007	\$445.00		1313 G STREET	MAJOR	KENNETH	1313 G STREET
AR155205	PE1808-014	066-182-006	\$335.00	\$296.00	216 W 8TH ST	MOSS	CALVIN	P.O. BOX 159, ANTIUCH, CA
AR155863	CD1810-025	067-246-015	\$445.00	\$296.00	1800 A STREET	OKL	CONSULTING	200 BROWN RD, FREMONT, CA
AR155385	PE1810-036	065-261-012	\$445.00	\$296.00	85 S LAKE DR	RITTER	DEAN J	85 S LAKE DR
AR155404	PE1810-036	065-261-012	\$665.00		85 S LAKE DR	RITTER	DEAN J	85 S LAKE DR
AR156024	PE1810-036	065-261-012	\$2,425.00		85 S LAKE DR	RITTER	DEAN J	85 S LAKE DR
AR155561	CE1809-142	068-221-061	\$335.00	\$296.00	306 WORRELL RD	SABADA	JUAN	2853 CESAR CHAVEZ, SAN FRANCISCO, CA
AR155868	CE1811-045	052-323-022	\$775.00	\$303.00	4040 BANBURY WAY	SALVADOR	ROLANDO C & EMMA	4040 BANBURY WAY
AR156030	CE1811-045	052-323-022	\$1,325.00		4040 BANBURY WAY	SALVADOR	ROLANDO C & EMMA	4040 BANBURY WAY
AR155797	CE1810-046	055-110-063	\$885.00	\$296.00	2380 WHITETAIL DR	SILIEZAR	PATRICIA POFIRIO CISNEROS	2380 WHITETAIL DR
AR155789	CD1809-078	076-201-002	\$335.00	\$296.00	1400 BUCHANAN RD	TALBERT	DEREK LEE	1400 BUCHANAN RD
AR155866	CD1809-078	076-201-002	\$775.00		1400 BUCHANAN RD	TALBERT	DEREK LEE	1400 BUCHANAN RD
AR156027	CD1809-078	076-201-002	\$1,325.00		1400 BUCHANAN RD	TALBERT	DEREK LEE	1400 BUCHANAN RD
AR155867	CE1810-052	052-490-035	\$335.00	\$303.00	4580 LE CONTE CIR	THAN	HONG KIM & ANDY T	5203 ASHLEY WAY, SAN JOSE, CA
AR156028	CE1810-052	052-490-035	\$775.00		4580 LE CONTE CIR	THAN	HONG KIM & ANDY T	5203 ASHLEY WAY, SAN JOSE, CA
TOTAL			\$41,640.00	\$6,244.00				