



**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**MARCH 2, 2017
3:00 P.M.**

3:00 P.M. ROLL CALL Deborah Simpson, Chairperson
Frederick Rouse, Vice Chairperson
Andrew Schleder
Ademuyiwa "Ade" Adeyemi
Martin T. Gonsalves
April Ussam-Lemmons, Alternate

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR FEBRUARY 2, 2017

Recommended Action: Motion to approve the minutes

STAFF REPORT

B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF DECEMBER 2016

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: <http://www.ci.antioch.ca.us/CityGov/Agendas/default.asp> or at the City Clerk's Office located on the 3rd floor of City Hall, 200 H Street, Antioch, CA 94509, Monday through Friday, 8:30 a.m. to 4:30 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.**

**February 2, 2017
Council Chambers**

Chairperson Simpson called the meeting to order at 3:00 P.M. on Thursday, February 2, 2017, in the Council Chambers.

ROLL CALL:

Present: Board Members Gonsalves, Rouse, Adeyemi, Schleder and Chairperson Simpson

Absent: Board Member Ussam-Lemmons

Staff Present: City Attorney, Michael Vigilia
City Clerk, Arne Simonsen
Minutes Clerk, Kitty Eiden
Administrative Analyst, Tammy Leach
Animal Services Supervisor, Monika Helgemo
Animal Control Officer, Cat Cottle

PLEDGE OF ALLEGIANCE

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

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR JANUARY 5, 2017

On motion by Board Member Rouse, seconded by Board Member Gonsalves, the Board of Administrative Appeals unanimously approved the Minutes for January 5, 2017.

B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF NOVEMBER 2016

Chiconda Davis, Antioch resident, speaking in regards to citation abatement #AR147646 stated the notification process was inadequate. She noted in the past items that needed her immediate attention were identified with colored paper or stamped "sensitive material open immediately" or posted on her garage door. She noted she would have addressed the situation immediately if she had been notified in this manner and therefore she was requesting the fees be reduced or dismissed.

Chairperson Simpson explained that the time period for filing an appealed for the citation had passed. She noted the item before the Board was the levy of special assessments.

Ms. Davis stated she had not received the citation information until after the appeal deadline.

Chairperson Simpson reiterated that Board was considering the assessments and not the citation at this time. She noted there was still the opportunity to pay the citation to avoid the lien.

Board Member Gonsalves added that the ordinance called for a mailing notice to the taxpayer of record; and the City had followed the ordinance. He suggested Ms. Davis contact elected official regarding her concerns related to noticing.

City Attorney Vigilia explained that the City had followed all procedures required by the ordinance for providing notice.

Ms. Davis thanked the Board for their time.

Administrative Analyst Leach explained that provided payments were being received, the City would set-aside the lien and if payments were not received it would come back before the Board. She noted payment addressed to Code Enforcement could be left in the City's drop box after hours. Administrative Analyst Leach added that if the lien was recorded, in order to have it released, there would be an additional \$100.00.

Ms. Davis stated she had every intention to pay the fine; however, she needed to do so in a payment plan.

City Attorney Vigilia suggested the Board vote on this item. He noted staff could determine when the lien could be recorded if payments were not made in a timely manner.

Chairperson Simpson thanked City Attorney Vigilia for the clarification and Ms. Brown for bringing this item to the Board's attention.

City Clerk Simonsen stated he would watch for this lien to make sure it does not go through until he verifies if the fee had been paid.

Ms. Brown questioned if paying monthly would keep her in good standing.

Board Member Gonsalves stated staff had indicated they had an informal process to work with Ms. Brown to avoid a lien. He reiterated that with regards to the notification and payment process, the City Council could amend the ordinance if they deemed it appropriate.

Board Member Rouse stated the City had a process to deal with the fees and the Board had a process with regards to the liens and assessments. He recommended the Board proceed with the approval and requested a follow-up with regards to how this issue was resolved.

City Clerk Simonsen recommended Board Member Rouse bring this issue up during oral communications.

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

2. REGULAR AGENDA

City Attorney Vigilia explained the manner in which the proceedings would be conducted and reviewed the options available for the Appeals Board.

City Clerk Simonsen administered the Oath for all persons present intending to testify on the appeal.

A. ANIMAL ID NO. A122670 "White Boy" (dog) – APPEAL FILED BY VICTOR AVILA, 2036 MOKELUMNE DRIVE, ANTIOCH, CA, TO OVERTURN THE "VICIOUS ANIMAL" [§6-1.801(B)(2)] DETERMINATION MADE BY ANTIOCH ANIMAL SERVICES.

Antioch Control Officer Cottle presented the staff report dated February 2, 2017, recommending the Board of Administrative Appeals deny the appeal and uphold the Animal Declaration of December 22, 2016, for "White Boy" A122670.

APPELLANT

It was noted the appellant was not in attendance.

VICTIM

Mario Oliva, Victim, reported he was attending a family reunion at his sister's residence when his niece opened the garage door letting "White Boy" out of the garage and into the front yard. He noted, at that time and unprovoked, the dog attacked him. He displayed the injuries to his arm. He expressed concern that when he was discharged from the hospital, his niece told him he was fine, which he felt was a betrayal due to the extent of his injuries.

Jose Oliva, Witness, stated he was present to support his brother Mario and urged the Board to uphold the Vicious Dog Declaration. He expressed concern that if the dog was released to the owner, it would hurt another individual.

In response to Board Member Rouse, City Attorney Vigilia stated the vote would be whether to uphold the decision by Animal Control. He noted if the Board upheld the finding that "White Boy" was a vicious animal, he would be humanely euthanized since he would create a significant threat to public health, safety, and welfare.

On motion by Board Member Gonsalves, seconded by Board Member Schleder, the Board of Administrative Appeals unanimously denied the appeal and upheld the Animal Declaration of December 22, 2016, for "White Boy" (A122670).

City Clerk Simonsen stated the appellant paid fees for boarding of "White Boy" and the appeal; however, the amount of money paid was to the date of the appeal and he were still obligated to pay \$25.00 a day up until the day the dog is euthanized.

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS

Board Member Rouse stated that there had been appellants that have expressed concern regarding the process for notifications and requested the process for paying assessments be clearly defined.

Chairperson Simpson stated the process would be for the appellant to discuss with staff and noted the Board provided her with the information she needed with regards to her appeal of the citation.

Board Member Gonsalves added there was an informal agreement with staff that if the assessment was withheld and they made regular and consistent payments, they would work with them to avoid the lien.

City Attorney Vigilia stated the details of a payment plan would be an administrative process determined by staff. He stated he could raise this issue with staff. He noted based on experience and for clarification, it may be appropriate to notify the public of a drop dead date for payments to be accepted in the staff report.

Board Member Gonsalves stated he agreed with that direction.

Chairperson Simpson stated she wanted it made clear that it was not the Board's purview to determine the administrative process for payment of the citations.

City Clerk Simonsen stated staff could agendize a discussion on the process for the delivery citations.

ADJOURNMENT

Chairperson Simpson adjourned the Board of Administrative Appeals meeting at 3:53 P.M. to the next regularly scheduled meeting on March 2, 2017.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS
FOR CONSIDERATION AT THE HEARING ON MARCH 2, 2017**

Prepared by: Curt Michael, Code Enforcement Manager *CM*
Date: February 14, 2017
Subject: Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Abatements for the Month of December, 2016

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 month of December, 2016, in the amount of **\$7,560.00**

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 - MARCH 2, 2017
ATTACHMENT A**

AR	Case	APN	Amount	Site Address	Owner last	Owner first	Mailing address	Paid
AR146975	CD1608-097	066-214-013	\$430.00	1025 W 8TH ST	CRUTCHFIELD	SHIRLEY	1025 W 8TH ST	
AR147643	CD1609-015	076-432-032	\$310.00	2511 DELTA FAIR BLVD	LONGS DRUG STORES		1CVS DR, WOONSOCKET, RI02895	
AR147654	CD1609-015	076-432-032	\$750.00	2511 DELTA FAIR BLVD	LONGS DRUG STORES		1 CVS DR, WOONSOCKET, RI02895	
AR147905	CD1609-015	076-432-032	\$1,300.00	2511 DELTA FAIR BLVD	LONGS DRUG STORES		1 CVS DR, WOONSOCKET, RI02895	
AR147907	CD1610-055	067-281-006	\$530.00	221 ROSSI AVE	MATHESON	PETER D.	221 ROSSI AVE	
AR147913	CE1610-057	056-280-045	\$310.00	5453 SAN MARTIN WAY	MILLER	JAMES	2728 ALCALA ST, ANTIOCH, CA 94531	
AR147652	CD1605-095	065-261-012	\$420.00	85 S LAKE DR	RITTER	DEAN J.	85 S LAKE DR	
AR147906	CD1612-013	066-103-012	\$420.00	1007 W 2ND ST	RUBIO	JUAN & MARIA	313 W 13TH ST, PITTSBURG, CA	
AR147908	CD1609-053	066-221-008	\$310.00	1223 W 7TH ST	SANDOVAL	JESUS MARIO & ANTONIA	1223 W 7TH ST	
AR147640	CD1610-003	076-432-023	\$310.00	2309-2315 BUCHANAN RD	SHARIFI	SAMMY	1021 PACIFIC GROVE CT. BRENTWOOD, CA94513	
AR147657	CD1610-003	076-432-023	\$750.00	2309-2315 BUCHANAN RD	SHARIFI	SAMMY	1021 PACIFIC GROVE CT. BRENTWOOD, CA94513	
AR147911	CD1610-003	076-432-023	\$1,300.00	2309-2315 BUCHANAN RD	SHARIFI	SAMMY	1021 PACIFIC GROVE CT. BRENTWOOD, CA94513	
AR147910	CD1612-002	071-410-022	\$420.00	913 BARNESLEY CT	VIVEROS	GILBERTO CARRANZA	913 BARNESLEY CT	
TOTAL			\$7,560.00					