



**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers  
200 "H" Street**

**SEPTEMBER 7, 2017  
3:00 P.M.**

**3:00 P.M.    ROLL CALL**    Deborah Simpson, Chairperson  
*Vacant, Vice Chairperson*  
Andrew Schleder  
Ademuyiwa "Ade" Adeyemi  
April Ussam-Lemmons  
Farideh Faraji, Alternate

**PLEDGE OF ALLEGIANCE**

**1.    CONSENT CALENDAR**

**A.    APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR JULY 6, 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 JUNE 2017**

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

**2.    NEW ITEM – ELECTION OF VICE CHAIR**

**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 3<sup>rd</sup> 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.**

**July 6, 2017  
Council Chambers**

Chairperson Simpson called the meeting to order at 3:00 P.M. on Thursday, July 6, 2017 in the Council Chambers.

**ROLL CALL:**

Present: Board Members Adeyemi, Ussam-Lemmons, Schleder, Chairperson Simpson  
Absent: Board Member Rouse

Staff Present: Interim City Attorney, Elizabeth Perez  
City Clerk, Arne Simonsen  
Minutes Clerk, Kitty Eiden  
Code Enforcement Manager, Curt Michael  
Code Enforcement Assistant, Denise Skaggs  
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 JUNE 1, 2017**

On motion by Board Member Schleder, seconded by Board Member Adeyemi, the Board of Administrative Appeals approved the Minutes for June 1, 2017. The motion carried the following vote:

*Ayes: Adeyemi, Schleder, Ussam-Lemmons Simpson*

*Absent: Rouse*

**B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF MAY 2017**

On motion by Board Member Adeyemi, seconded by Board Member Ussam-Lemmons, 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: Adeyemi, Schleder, Ussam-Lemmons, Simpson*

*Absent: Rouse*

## **2. REGULAR AGENDA**

Interim City Attorney Perez gave brief introductory comments and explained the manner in which the proceedings would be conducted.

### **OATH for all intending to testify**

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

#### **A. CITATION NO. 32003 – APPEAL OF ADMINISTRATIVE CITATION ISSUED REGARDING [§6-1.501(J)] TETHER OF THREE (3) DOGS FOR JERRY OVERMYER, 2201 CHICKIE STREET, ANTIOCH, CA**

Animal Control Officer Cottle presented the staff report dated June 28, 2017 recommending the Board of Administrative Appeals deny the appeal and uphold the citation for unlawful tethering of three (3) dogs at 2201 Chickie Street with a further recommendation to be in compliance with Municipal Code 6-1.501(J) (1).

### **APPELLANT**

Jerry Overmyer agreed that his dogs were tethered most of the time and the Animal Control Officer had advised him to cage or untether his dogs; however, for insurance purposes he was required to provide double containment for his pit bulls. He stated he did not have a pulley system; therefore, he had installed a swivel spring that worked in the same manner. He reported complaints regarding his animals and property were the result of a disgruntled neighbor. He stated that he was disabled and the pulley system was not physically or financially feasible. He provided a letter of support from a neighbor discussing how well-behaved his dogs were.

Chairperson Simpson closed the public hearing.

Board Member Ussam-Lemmons thanked the appellant for coming before the Board and questioned if the dogs were always leashed in the backyard.

Mr. Overmyer responded that his dogs were on a leash the majority of the time. He reported as a disabled veteran, his income was limited and he believed he was in compliance with the swivel spring device.

In response to Board Member Adeyemi, Mr. Overmyer stated his dogs were currently registered and vaccinated. He clarified that the equipment in the photo of his yard was an engine stand which was top heavy and unsafe to utilize for a pulley system.

In response to Chairperson Simpson, Mr. Overmyer reiterated that he believed he was in compliance with the spring system and he would try to erect a cable system if needed; however, it would be a challenge financially.

In response to Board Member Ussam- Lemmons, Animal Control Officer Cottle stated the first visit to the property was in November 2016 and Mr. Overmyer had been cooperative during every visit. She noted calls to his property were complaint driven.

In response to Board Member Adeyemi, Animal Control Officer Cottle explained the citation was issued for tethering the dogs and in order to comply, the dogs need to be removed from the tether.

In response to Board Member Schleder, Animal Control Officer Cottle stated the current tethering situation could result in the dog's injury or death. She stated the dogs appeared to be well-behaved and in good health.

In response to Board Member Ussam-Lemmons, Animal Control Officer Cottle clarified that the fees associated with the citation were for the tethering of the dogs.

In response to Chairperson Simpson, Animal Control Officer Cottle stated that because the dogs were in good health, if Mr. Overmyer was willing to install the pulley system, she would be comfortable with allowing him up to 2 months to comply.

In response to Board Member Schleder, Animal Control Officer Cottle stated she did not know the cost of a pulley system; however, typically residents purchased a large kennel instead which costs approximately \$400.00.

In response to Board Member Schleder, Mr. Overmyer stated he was disabled full-time and at home continuously with his dogs. He reported that they were controlled, safe and friendly; however, his insurance required that they be leashed. He noted the complaints were not related to the care of the dogs, it was a matter of an unhappy neighbor. He stated his dogs were accustomed to being tied up and he felt they would feel trapped in a cage.

City Clerk Simonsen read staff's recommendation and noted Animal Control Officer Cottle had indicated that she would be willing to give additional time for Mr. Overmyer to comply. He stated the Board could deny or uphold the appeal with or without the extension.

Board Member Adeyemi stated the choices to tether the dogs on a pulley system or kennel them and it was the dog owners responsibility to ensure fences were in good condition.

Chairperson Simpson stated the appellant was given time to become compliant and even though he had made an attempt, he remained non-compliant; therefore, she would not support reducing the amount of the citation. She stated she would support additional time added to staff's recommendation.

Board Member Ussam-Lemmons stated she felt it was fair to consider information provided by Mr. Overmyer and there was no question that he cared for his animals; however, it was important to remain in compliant with the municipal code. She stated she supported staff's recommendation with a 2-month extension as previously approved by Animal Control Officer Cottle.

On motion by Board Member Ussam-Lemmons, seconded by Board Member Adeyemi, the Board of Administrative Appeals members present unanimously denied the appeal and upheld the citation for unlawful tethering of three (3) dogs at 2201 Chickie Street with direction to the appellant to be in compliance with Municipal Code §6-1.501(J) (1) within 2 months.

**PUBLIC COMMENTS** - None

**WRITTEN/ORAL COMMUNICATIONS** – None

City Clerk Simonsen reported the Clerk's office had received an application for the Alternate position on the Board of Administrative Appeals, which would be forwarded to Mayor Wright to conduct the interview. He noted hopefully the appointment would occur on July 25, 2017 and the new Board Member would be participating in the September Board of Appeals meeting.

**ADJOURNMENT**

Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 3:43 P.M. to the next regularly scheduled meeting.

Respectfully Submitted,

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Kitty Eiden, Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR  
CONSIDERATION AT THE HEARING ON SEPTEMBER 7, 2017**

**Prepared by:**

Curt Michael, Code Enforcement Manager



**Date:**

August 24, 2017

**Subject:**

Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Abatements for the Month of June, 2017

**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 June, in the amount of **\$11,211.00**

**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 - SEPTEMBER 7, 2017  
ATTACHMENT A**

AR	Case	APN	Amount	Site Address	Owner last	Owner first	Mailing address	Paid
AR149091	CE1704-064	089-600-053	\$310.00	4023 WIND CHIME ST	DOMINGO	THE ANGELA	4023 WIND CHIME ST	
AR149005	CE1612-009	056-250-078	\$420.00	5129 STAGECOACH WY	BEHARI	RAVINESH TONY	821 BIRCHWOOD DR PITTSBURG, CA	
AR149006	CE1612-009	056-250-078	\$1,300.00	5129 STAGECOACH WY	BEHARI	RAVINESH TONY	821 BIRCHWOOD DR PITTSBURG, CA	
AR149008	CE1612-009	056-250-078	\$2,400.00	5129 STAGECOACH WY	BEHARI	RAVINESH TONY	821 BIRCHWOOD DR PITTSBURG, CA	
AR148536	CE1611-052	055-020-040	\$900.00	1920 MT HAMILTON DR	CASTILLO	MIRIAM	5151 MISSION ST. SAN FRANCISCO, CA	
AR148330	CD1612-014	066-105-013	\$2,000.00	1022 W 4TH ST	GARBI	TZIPOPRA TRE	PLEASANT HILL, CA	
AR149024	CD1704-013	068-232-005	\$310.00	2836 GARROW DR	KING-TYES	NATASHIA	2836 GARROW DR	
AR149083	CD1704-013	068-232-005	\$750.00	2636 GARROW DR	KING-TYES	NATASHIA	2836 GARROW DR	
AR149115	CD1704-013	068-232-005	\$1,300.00	2636 GARROW DR	KING-TYES	NATASHIA	2836 GARROW DR	
AR149082	CD1609-063	067-042-004	\$230.00	708 W 11TH ST	NAVARRO	MARCOS	708 W 11TH ST	
AR148780	CD1702-014	071-035-010	\$1,291.00	516 W TREGALLAS RD	WESTERN	UPPER HAIGHT ST LLC	PO BOX 3341 ANTIOCH, CA	
			<b>\$11,211.00</b>					