



**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers  
200 "H" Street**

**DECEMBER 1, 2016  
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 NOVEMBER 3, 2016

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 SEPTEMBER 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 3<sup>rd</sup> floor of City Hall, 200 H Street, Antioch, CA 94509, Monday through Thursday, 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.**

**November 3, 2016  
Council Chambers**

Vice Chairperson Rouse called the meeting to order at 3:05 P.M. on Thursday, November 3, 2016 in the Council Chambers.

**ROLL CALL:**

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

Staff Present: City Attorney, Michael Vigilia  
Deputy City Clerk, Christina Garcia  
Interim Code Enforcement Manager, Mike Aguirre  
Code Enforcement Officer, Taylor Lopez  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

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

**1. CONSENT CALENDAR**

**A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR JULY 7, 2016**

On motion by Board Member Schleder, seconded by Board Member Ussam-Lemmons, the Board of Administrative Appeals approved the Minutes of July 7, 2016. The motion carried the following vote:

Ayes: Schleder, Ussam-Lemmons and Rouse  
Absent: Gonsalves, Adeyemi and Simpson

**B. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR SEPTEMBER 1, 2016**

On motion by Board Member Schleder, seconded by Board Member Ussam-Lemmons, the Board of Administrative Appeals approved the Minutes of September 1, 2016. The motion carried the following vote:

Ayes: Schleder, Ussam-Lemmons and Rouse  
Absent: Gonsalves, Adeyemi and Simpson

**C. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR OCTOBER 6, 2016**

On motion by Board Member Schleder, seconded by Board Member Ussam-Lemmons, the Board of Administrative Appeals approved the Minutes of October 6, 2016. The motion carried the following vote:

Ayes: Schleder, Ussam-Lemmons and Rouse  
Absent: Gonsalves, Adeyemi and Simpson

**D. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF AUGUST 2016**

Interim Code Enforcement Manager Aguirre presented the staff report dated October 24, 2016 recommending the Board of Administrative Appeals 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.

On motion by Board Member Schleder, seconded by Board Member Ussam-Lemmons, the Board of Administrative Appeals unanimously 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 and thereafter the assessment shall constitute a special assessment and lien against the property.

Ayes: Schleder, Ussam-Lemmons and Rouse  
Absent: Gonsalves, Adeyemi and Simpson

**2. REGULAR AGENDA**

**A. CASE NO. CD1606-057/ APN NO. 066-032-020/ AR146370 – APPEAL NOTICE OF INTENT TO RECORD A LIEN ASSESSMENT ISSUED TO GEORGE STAMM, 505 B STREET, ANTIOCH, CA**

In the absence of the appellant, Code Enforcement Manager Aguirre stated the City could present their case and the Board could decide whether to approve or deny the appeal.

City Attorney Vigilia administered the Oath for all persons present intending to testify on the appeal.

Code Enforcement Officer Lopez and Code Enforcement Manager Aguirre presented the staff report dated November 3, 2016.

Vice Chairperson Rouse expressed concern regarding the two trees in the sidewalk adjacent to the property that were encroaching into the roadway and stated he would be reporting them to the City.

Board Member Ussam – Lemmons stated she had read the statement from the appellant and noted the City was not questioning the benefits of the ivy; however, the issue was regarding compliance with City codes and educating citizens.

In response to Board Member Schleder, Code Enforcement Officer Lopez reported the ivy varied from a couple inches to a foot over the sidewalk. She noted the walkway in the area of the trees was narrower making it difficult for anyone to walk on the sidewalk. She further noted her concern was that people would have to walk into the street to get around this area and there was no outlet for wheelchairs to leave the curb at this location.

Code Enforcement Manager Aguirre added their concern was for the safety of residents who would have to walk out into the street to go around the tree because of the overgrown ivy and noted once it was trimmed, the case was closed. He further noted staff recommendation to the Board of Administrative Appeals was to deny the appeal and approve the lien process for CASE NO. CD1606-057/ APN NO. 066-032-020/ AR146370.

On motion by Board Member Schleder, seconded by Board Member Ussam-Lemmons, the Board of Administrative Appeals denied the appeal and confirmed the 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 and thereafter the assessment shall constitute a special assessment and lien against the property.

Ayes: Schleder, Ussam-Lemmons and Rouse

Absent: Gonsalves, Adeyemi and Simpson

**PUBLIC COMMENTS** - None

**WRITTEN/ORAL COMMUNICATIONS** – None

Vice Chairperson Rouse requested the City agendaize a discussion regarding changing the meeting time for the Board of Administrative Appeals, noting with more effective Code Enforcement, the possibility of more appeals may arise and a later time may be more convenient for residents. He noted he personally had a problem with attending meetings on time due to a conflict at 3:00 P.M. He suggested moving the meeting time to 5:00 P.M. or later on the same day of the month.

**BOARD OF ADMINISTRATIVE APPEALS**

**Regular Meeting**

**November 3, 2016**

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Board Member Schleder expressed concern that City employees may not be available later in the day. He noted if meetings were at 3:30 P.M. it would be easier for him to attend.

Vice Chairperson Rouse suggested this item be scheduled for discussion at a future meeting or scheduled for a special meeting at a time when all members could be present with City representation. He noted at this time there were no issues; however, he would rather not have to schedule special meetings to accommodate residents; therefore, he would prefer that they be held later in the day.

In response to Ussam-Lemmons, Board Member Schleder stated in the past, the meeting time was 3:30 P.M. and subsequently they had been moved to 3:00 P.M.

Board Member Schleder commented if there were no appeals, meetings could occur later in the day; however, if there were hearings, they may need to begin earlier.

On motion by Board Member Ussam-Lemmons, seconded by Board Member Schleder, the Board of Administrative Appeals requested the following item be agendized at a future meeting date when all members could be present: A discussion regarding rescheduling the time of the Board of Administrative Appeals meeting to determine if it would be more convenient for the Board and the City.

Ayes: Schleder, Ussam-Lemmons and Rouse

Absent: Gonsalves, Adeyemi and Simpson

**ADJOURNMENT**


Vice Chairperson Rouse adjourned the Administrative Board of Appeals meeting at 3:22 P.M. to the next regularly scheduled meeting on December 1, 2016.

Respectfully Submitted,

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Kitty Eiden  
Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS  
FOR CONSIDERATION AT THE HEARING ON DECEMBER 1, 2016**

**Prepared by:** Mike Aguirre, Interim Code Enforcement Manager   
**Date:** November 14, 2016  
**Subject:** Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Abatements for the Month of September, 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 September, 2016, in the amount of **\$15,580.00**

**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 - DECEMBER 1, 2016

ATTACHMENT A

AR	Case	APN	Amount	Site Address	Owner last	Owner first	Mailing address	Paid
AR146828	CE1608-093	056-140-007	\$310.00	5021 WAGON WHEEL WAY	BARNA	EUGEN	5021 WAGON WHEEL WAY	
AR146982	CE1608-093	056-140-007	\$750.00	5021 WAGON WHEEL WAY	BARNA	EUGEN	5021 WAGON WHEEL WAY	
AR146983	CE1608-093	056-140-007	\$1,300.00	5021 WAGON WHEEL WAY	BARNA	EUGEN	5021 WAGON WHEEL WAY	
AR146833	CD1606-112	051-420-011	\$1,300.00	1820 E 18TH ST	BIAS	JIM D.	1820 E 18TH ST	
AR146980	CD1606-112	051-420-011	\$2,400.00	1820 E 18TH ST	BIAS	JIM D.	1820 E 18TH ST	
AR146985	CE1609-015	052-302-002	\$310.00	4153 FOLSOM DR	BUSTAMANTE	REBECCA	4153 FOLSOM DR	
AR146589	CE1607-090	068-594-009	\$310.00	900 BURWOOD WAY	CEN	BOSENG	1561 CHANDLER ST, OAKLAND, CA	
AR146386	CE1606-208	068-594-009	\$750.00	900 BURWOOD WAY	CEN	BOSENG	1561 CHANDLER ST, OAKLAND, CA	
AR146975	CD1608-097	066-214-013	\$530.00	1025 W 8TH ST	CRUTCHFIELD	SHIRLEY	1025 W 8TH ST	
AR146835	CD1608-038	065-062-037	\$420.00	132 MERRILL DR	DUPIRE-NELSON	DEBORAH D. TRUST	132 MERRILL DR	
AR146976	CD1608-038	065-062-037	\$1,300.00	132 MERRILL DR	DUPIRE-NELSON	DEBORAH D. TRUST	132 MERRILL DR	
AR1246976	CD1608-038	065-062-037	\$2,400.00	132 MERRILL DR	DUPIRE-NELSON	DEBORAH D. TRUST	132 MERRILL DR	
AR146977	CD1608-094	066-136-015	\$310.00	805 W 5TH ST	FENG	OU	3567 DORMER CT, CONCORD, CA	
AR146984	CE1609-014	052-301-001	\$310.00	4140 FOLSOM DR	JOHNSON-WILKINS	SHARRON	4140 FOLSOM DR	
AR146981	CE1608-141	056-011-043	\$310.00	4863 LONE TREE WAY	SHREEJI	SAI ASSOCIATES LP	501 EASTON AVE, SAN BRUNO, CA	
AR146986	CE1608-141	056-011-043	\$750.00	4863 LONE TREE WAY	SHREEJI	SAI ASSOCIATES LP	501 EASTON AVE, SAN BRUNO, CA	
AR146582	CD1607-063	074-402-055	\$210.00	2115 BANYAN WAY	SERVA	ROLANDO GARCIA	2115 BANYAN WAY	
AR146987	CE1608-112	053-321-018	\$310.00	5056 RODEO CIR	SMITH	MICHAEL SR	5056 RODEO CIR	
AR146834	CD1607-137	076-251-020	\$1,300.00	2928 LUCENA WAY	YASSER	LEFKI G.	2928 LUCENA WAY	
		<b>TOTAL</b>	<b>\$15,580.00</b>					