



City Hall
555 Santa Clara Street
Vallejo, CA 94590

AGENDA

CODE ENFORCEMENT APPEALS BOARD SPECIAL MEETING

6:00 P.M.

City Council Chambers

December 3, 2014

George Roth, Chair
Gary Bennett, Vice Chair

Board Members
Patricia Bernard
Richard Charmack
Lee Lancaster
Wanda Madeiros
Angela McClure

Robert McConnell – City Council
Liaison

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Code Enforcement Appeals Board (Board) without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Pursuant to the Government Code Section 54954.3 (The Brown Act), members of the public shall be afforded the opportunity to speak on any agenda item of interest to them provided they are first recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the Staff of the Board prior to the consideration of the item.

Those wishing to address the Board on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the City Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Board will be available for public inspection at the Code Enforcement Division or City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Board. Such documents may also be available on the City of Vallejo website at <http://www.ci.vallejo,ca.us> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4469, TDD (707) 649-3562.



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. APPROVAL OF AGENDA

5. READING & APPROVAL OF MINUTES

- A. October 23, 2014

6. CORRESPONDENCE: None

7. FIRST COMMUNITY FORUM

Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Board to resolve, is requested to submit a completed speaker card to the Board Staff Person. When called upon, each speaker should step to the podium, state his/her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three (3) minutes, with each speaker limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300. The remainder of the speakers wishing to address the Board on non-agenda items will be heard at the Second Community Forum listed later on the agenda.

8. GUEST SPEAKER: None

9. PRESENTATIONS: None

10. NEW BUSINESS: None

11. OLD BUSINESS

- A. Proposed Changes to Vallejo Municipal Code Chapters 7.54 (Property Maintenance) and 1.15 (Administrative Citation) - Staff
- B. Beautification and Design Review Board Rules of Order and Procedure; information from the City Clerk – Vice Chairperson Bennett
- C. Voluntary Compliance Coalition Update – Staff
- D. Discussion of proposed towing authorization from Police Department for Inoperative Vehicle being cited by Code Enforcement – Madeiros / Staff
- E. Installment Plan Update - Staff

12. SECOND COMMUNITY FORUM

13. STAFF COMMENTS: None

14. ANNOUNCEMENTS

15. ADJOURNMENT

I, Nimat Shakoor-Grantham, Staff, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Code Enforcement Appeals Board, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Tuesday, November 25, 2014.

Dated: November 25, 2014



Nimat Shakoor-Grantham, Staff

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1. **CALL TO ORDER:** Chairperson George Roth (Chairperson Roth) 6:02 pm.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG :** Chairperson Roth
3. **ROLL CALL:**
 - Present: Chairperson George Roth, Vice Chairperson Gary Bennett
Board Members: Patricia Bernard, Richard Charmack, Lee Lancaster, Wanda Madeiros, Angela McClure, Council Liaison Robert McConnell
 - Absent: N/A
 - Staff: Senior Code Enforcement Officer (SCEO) Dong Yoo, Code Enforcement Officer (CEO) David Sidie, Planning Permit Technician James Cisney
4. **APPROVAL OF AGENDA:** Board Member Charmack motioned to approve the agenda, seconded by Board Member Lancaster. The motion carried unanimously.
5. **APPROVAL OF MINUTES:** Board Member McClure motioned to approve the minutes, seconded by Board Member Charmack. The motion carried unanimously.
6. **CORRESPONDENCE:** None
7. **FIRST COMMUNITY FORUM:** None
Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Board to resolve, is requested to submit a completed speaker card to the Board Staff person. When called upon, each speaker should step to the podium, state his /her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three minutes. The remainder of the speakers wishing to address the Board on non-agenda items will be heard at the second Community Forum listed later on the agenda.
8. **GUEST SPEAKER:** None
9. **PRESENTATIONS:** Code Enforcement Appeals Hearings
 - A. 3028 Burnette Street - Update

Chairperson Roth clarified that this was an update to the previous month's hearing on the same property. Code Enforcement Officer (CEO) David Sidie stated that Code

Enforcement was seeking approval for the second First Citation issued for the Property Maintenance Ordinance (PMO) violation. The property owner and appellant, Jeffrey Berger, failed to respond to the Hearing Notice sent to him and failed to appear at the Hearing. Board Member Lancaster motioned to uphold the recommendation of the Code Enforcement Division. Board Member Charmack seconded the motion. The motion was carried unanimously.

B. 125 Camino del Sol

Planning Permit Technician James Cisney testified on behalf of the City and presented evidence related to the case. Mr. Cisney recommended that Citation ZV13-0053 be upheld. Property owner Timothy MacDonald testified on his own behalf. Chairperson Roth motioned "to suspend the \$200 and send [the case] back to the Planning [Division] for further study and resolution; working with the homeowners." Board Member Madeiros seconded the motion. The motion was carried unanimously.

10. NEW BUSINESS:

- A. The Board re-addressed the question of possibly creating a process where residents with a large fine/fee amount could pay via an installment plan. Board Member Madeiros stated that it would have to be on a case-by-case basis, wherein the applicant must submit proof of salary (tax forms, paystubs, Section 8 documents, etc.). Chairperson Roth agreed and said that there is too much variation between cases that there is not really any baseline. If the Board finds a pattern after hearing so many cases, then a baseline can be created. Board Member Lancaster suggested that income information be provided as part of the appeals application process, upon which Vice Chairperson Burnett added that on the application form, the approval of such a payment plan is not automatic. The payment plan, just as the appeals application, is dependent on the Board's review and decision, including the proper submission of the application and supporting documents.
- B. SCEO Yoo said that he is still working with the Vallejo Police Department Captain with regards to obtaining towing authorization from the Vallejo Police Department for Inoperative Vehicles being cited by Code Enforcement. In order to tow a vehicle, you must have authorization to run a license plate number. SCEO Yoo informed the Board that currently, the Department of Justice (DOJ) only allows the police to run license plates.

11. OLD BUSINESS:

- A. Beautification and Design Review Board Rules of Order and Procedure; information from the City Clerk – Deferred until next meeting.
- B. Vice Chairperson Bennett informed the Board that the Voluntary Compliance Coalition (VCC) had met a few weeks ago and discussed the process in which a resident in need (elderly, handicapped, financial hardship, etc.) applies for

available programs already set-up to assist them in voluntarily complying to correct code enforcement violations. A funding proposal for the VCC initiative will be presented to City Council in a few weeks. Vice Chairperson Bennett stated the need for increased advertisement of such resources than just online on the City of Vallejo website – newspaper, newsletters, flyers, TV ads, social media, etc. Board Member Lancaster suggested to Staff to provide publication for these resources at future meetings.

12. SECOND COMMUNITY FORUMS: None

13. STAFF COMMENTS: None

14. ANNOUNCEMENTS: None

15. ADJOURNMENT: Board Member Lancaster motioned to adjourn the meeting at 8:04 pm. Motion seconded by Vice Chairperson Bennett. The motion carried unanimously.



DATE: December 3, 2014
TO: Code Enforcement Appeals Board
FROM: Craig Whittom, Assistant City Manager
Nimat Shakoor-Grantham, Code Enforcement Manager
SUBJECT: PROPOSED CHANGES TO VALLEJO MUNICIPAL CODE CHAPTERS 7.54 (PROPERTY MAINTENANCE) AND 1.15 (ADMINISTRATIVE CITATION)

RECOMMENDATION

Review proposed changes to the Vallejo Municipal Code (VMC) regarding Chapter 7.54 (Property Maintenance Ordinance) and Chapter 1.15 (Administrative Citation Ordinance) and request staff prepare red-lined changes to both ordinances for review at the Code Enforcement Appeals Board (CEAB) meeting on January 22, 2015.

REASONS FOR RECOMMENDATION

The CEAB has discussed potential changes to the VMC that could enhance the effectiveness of the Property Maintenance (PMO) and Administrative Citation Ordinance (ACO). The proposed modifications are designed to enhance the effectiveness of the Code Enforcement program and support compliance with the ordinances.

BACKGROUND AND DISCUSSION

At the August 28, 2014 Code Enforcement Appeals Board meeting, staff made a presentation to the CEAB regarding changes to the PMO as requested during its July 24, 2014 meeting. .

The primary areas of concern were:

- a. Length of time to appeal citation
- b. Amount of late fee
- c. Hearing fee waiver requirements
- d. Board jurisdiction/Appellant due process

Staff reviewed other potential revisions for consideration such as:

- a. City Manager authority to modify citations based upon certain criteria.
- b. Maximum dollar limit to total assessment.
- c. Required type of service (e.g. certified mail) provided to property owner.

A principal concern of citation recipients is the size of the citation amounts. These citations can grow to a large amount if there are multiple violations on the property and if a property owner ignores the notices or claims to not have received the citation notices. In early 2013, staff implemented a change to restrict the number of issued administrative citations per property to a total of five before seeking alternative resolution of the property maintenance violation (e.g. Neighborhood Law Program).

Additionally, the general efficiency of administering the Code Enforcement program was discussed. The Board discussed limiting the number of notices to property owners from the practice of three notices (posting property, mailing USPS and mailing certified mail).

Staff believes that the combination of changes recommended below would enhance compliance among property owners and improve the efficiency of the program.

Proposed Ordinance Changes

Staff reviewed the Commission's areas of concern and has prepared recommended changes to the Code Enforcement program. The following summarizes staff recommendations in each of the areas:

a. Length of time to appeal citation

Current appeal period: 15 days

Proposed modification: 30 days

Staff reasoning: An additional 15 days will increase the likelihood that property owners will act on appeal if they believe that the citation should not have been issued.

b. Amount of late fee

Current late fee: \$890

Proposed modification: \$445

Staff reasoning: A lower late fee will lessen the likelihood that property owners will not pay the late fee. \$445 is a meaningful penalty that should continue to motivate the majority of property owners who do pay the citation in a timely manner. During the City's next comprehensive fee schedule update, the size of amount of this fee could be reassessed.

c. Hearing fee waiver requirements

Current hearing fee waiver requirements: Property owners need to demonstrate economic need to have the Advance Fine Deposit (currently the amount of the citation being appealed) waived.

Proposed modification: None.

Staff reasoning: The current process provides an adequate standard for waivers.

d. Board jurisdiction/Appellant due process

Current Board Jurisdiction / Appellant Due Process: The Board has broad jurisdiction to modify citations.

Proposed modification: None.

Staff reasoning: The current ordinance provides the Board significant discretion to modify citations based upon evidence provided by appellants.

e. City Manager authority to modify citations / lien amounts based upon certain criteria

Current City Manager authority to modify citation amounts: Authority currently limited to situations in which staff has made a mistake in the citation process.

Proposed modification: Staff has not completed research regarding the development of narrow specific criteria in which the City Manager would have authority to modify citations. Staff will present proposed ordinance language at the CEAB meeting on January 22, 2015. Staff's preliminary recommendation on this issue would be to provide the City Manager authority to modify citations up to 90 days following the citation in the following circumstances:

1. Procedural or technical error by staff
2. Documented death or serious incapacitating illness of property owner.
3. Natural disaster.

Staff reasoning: Providing the City Manager limited authority to modify citation amounts could enhance compliance and address circumstances beyond the control of the property owner.

f. Maximum dollar limit of total assessment

Current maximum dollar amount to total assessment: None.

Proposed modification: \$10,000 maximum assessment

Staff reasoning: A maximum \$10,000 fine should provide appropriate motivation to correct property maintenance violations.

g. Required type of service (e.g. certified mail) provided to property owner

Current service provided: Prior to August, 2014 staff would notify the property owner in three ways: Post the property, mail a citation notice by US Postal Service regular mail and mail a citation notice by US Postal Service certified mail – signature required. Staff currently posts the property, mails a citation notice by US Postal Service regular mail and mails a citation notice by US Postal Service certified mail – no signature required.

Proposed modification: Post the property and mail one notice by US Postal Service – certified mail no signature required.

Staff reasoning: Posting the property and sending one notice certified mail provides sufficient notice to property owners and enhances the efficiency of administering the program.

Next Steps

Staff looks forward to receiving feedback from the CEAB at tonight's meeting. Based on this feedback staff will develop changes to the Vallejo Municipal Code. Staff will prepare a redlined version of the Property

Maintenance Ordinance and Administrative Citation Ordinance for the CEAB's consideration at its meeting on January 22, 2015.

Following the CEAB's consideration of the specific changes to the ordinances, staff will prepare a City Council staff report with proposed modifications for the City Council's consideration. If staff and the Commission have different recommendations on certain elements of the ordinance, staff will make those differences clear in the staff report. Staff anticipates presenting this staff report at the City Council meeting on February 24, 2015.

FISCAL IMPACT

The proposed ordinance amendments and procedural modifications will reduce the amount of fees/fines accrued by property owners. The recommended changes will also lessen staff administrative procedures generating an ability to focus more on enforcement and compliance. The net impact on revenue and expenditures will be monitored by staff and the results brought back to the CEAB by December 2015.

ATTACHMENTS

None.

CONTACT

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