



**AGENDA MINUTES
CITY OF SANTA MARIA
CODE COMPLIANCE BOARD REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA**

OCTOBER 13, 2011

CALL TO ORDER

Nancy Stewart, Board Chair, called the meeting to order at 4:00 p.m.

Members Present: Board Members Jack Owen, Jr., Larry Tanner, and Board Chair Nancy Stewart

Members Absent: Board Vice-Chair Justin Randall

Also Present: Assistant City Attorney Philip Sinco, Senior Code Compliance Officer Esequiel Moreno, Code Compliance Officer Michelle Tasseff, Code Compliance Officer Celia Lennon and Recording Secretary Denna Owen.

1. PUBLIC COMMENT PERIOD (limited to 15 minutes)

None

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 14, 2011

Board Member Owen moved to approve the Minutes. Board Member Tanner seconded.

AYES: Board Members Owen, Tanner, and Board Chair Stewart

NOES: None

ABSTAIN: None

ABSENT: Board Vice-Chair Randall

3. HEARINGS:

A. 1046 WINSTON DRIVE – R1 ZONING, GARY SCHMIDT – CASE NO. CE1006-231616

This matter came before the Board for review and violation determination regarding a compliance order.

Code Compliance Officer Tasseff testified to the history and violations on the property. She advised that the permit has been finalized and the property is currently in compliance.

Officer Tasseff advised that Mr. Schmidt was not present, but she had spoken to him prior to the meeting and was advised he would not be able to attend. Officer Tasseff recommended adopting a resolution finding Gary Schmidt as the responsible party and that no administrative fines be imposed.

ACTION TAKEN BY THE BOARD

Board Member Owen moved to adopt Resolution No. 2011-33 finding Gary Schmidt as the responsible party and that no administrative penalties or costs are imposed. Board Member Tanner seconded.

AYES: Board Members Owen, Tanner and Board Chair Stewart
NOES: None
ABSTAIN: None
ABSENT: Board Vice-Chair Randall

B. 1818 NORTH DEJOY STREET – R1 ZONING, ARNULFO VELASQUEZ – CASE NO. CE1004-231302

This matter came before the Board for review and violation determination regarding a compliance order.

Code Compliance Officer Tasseff testified to the history and unpermitted building violations on the property. She advised that permits have been issued, but have not been finalized and there has been no contact from Mr. Velasquez.

Arnulfo Velasquez was not present.

Officer Tasseff recommended adopting a resolution finding Arnulfo Velasquez as the responsible party and impose administrative penalties to be determined by the Board to begin on October 14, 2011.

ACTION TAKEN BY THE BOARD

Board Member Owen moved to adopt Resolution No. 2011-34 finding Arnulfo Velasquez as the responsible party and impose daily accruing administrative penalties in the amount of \$25.00 per day to begin on October 14, 2011 and will continue to accrue daily until the property is in compliance, with a maximum fine of \$10,000. Board Member Tanner seconded.

AYES: Board Members Owen, Tanner and Board Chair Stewart
NOES: None
ABSTAIN: None
ABSENT: Board Vice-Chair Randall

C. 1849 VERONICA LANE – R1 ZONING, SHIRLEY WILDER – CASE NO. CE1002-081255

This matter came before the Board for confirmation of the unpaid administrative penalties in the amount of \$5,000 and to place a Special Assessment / Lien on the property for the outstanding debt.

Code Compliance Officer Lennon presented a brief history of this case and the resolution that was adopted by the Code Compliance Board.

Assistant City Attorney Sinco advised the Board that this item was on the Agenda to confirm the accounting of the fines owed and obtain authorization to proceed with a Special Assessment / Lien for the outstanding debt. However, this is a special case and staff believes the administrative penalties are in excess of the seriousness of the violation and strongly recommends the order be revised by adopting a resolution imposing administrative costs in the amount of \$250.00 and cancelling the administrative penalties due in the amount of \$5,000.

Shirley Wilder was present and testified that she was living out of the area and was ill during the time period the fines were accruing. She advised that the property was in compliance by the compliance date and did not believe she should owe any fines including administrative costs. Ms. Wilder believed all mail should have been sent registered to ensure she received it.

Board Member Owen stated that staff followed all the procedures for proper notification and it was Ms. Wilder's responsibility to contact the City Attorney's office and request an inspection of the property to verify compliance. He stated he had a tough time not supporting the \$5,000 administrative penalties due.

Board Chair Stewart stated that a lot of time was utilized by several City employees that was not computed into the administrative costs and believed \$250.00 was a very generous amount. She advised that even if there was proof that the property was in compliance by the deadline, administrative costs would have been appropriate due to the amount of time utilized to get compliance.

ACTION TAKEN BY THE BOARD

Board Member Tanner moved to adopt Resolution No. 2011-35 finding Shirley Wilder as the responsible party and the administrative penalties due in the amount of \$5,000.00 be suspended; and administrative costs in the amount of \$250.00 be imposed. If the administrative costs in the amount of \$250.00 are not paid within thirty (30) days, a property lien shall be recorded with the Santa Barbara County Recorder's office. Board Member Owen seconded.

AYES: Board Members Owen, Tanner and Board Chair Stewart
NOES: None
ABSTAIN: None
ABSENT: Board Vice-Chair Randall

**D. 413 WEST FESLER STREET – R2 ZONING, JULIUS ALTON FORD SR. AND BETTY J. FORD
CASE NO. CE0904-281353**

This matter came before the Board for confirmation of the unpaid administrative penalties in the amount of \$2,250.00 and to place a Special Assessment / Lien on the property for the outstanding debt.

Code Compliance Officer Lennon presented a brief history of this case and the resolution that was adopted by the Code Compliance Board.

Assistant City Attorney Sinco advised the Board that this item was on the Agenda to confirm the accounting of the fines owed and obtain authorization to proceed with a Special Assessment for the outstanding debt in the amount of \$2,250.00.

ACTION TAKEN BY THE BOARD

Board Member Tanner moved to adopt Resolution No. 2011-36 confirming that the unpaid administrative penalties in the amount of \$2,250.00 shall constitute a Special Assessment and shall be recorded with the Santa Barbara County Recorder's office, if the amount due is not paid within thirty (30) days. Board Member Owen seconded.

AYES: Board Members Owen, Tanner and Board Chair Stewart
NOES: None
ABSTAIN: None
ABSENT: Board Vice-Chair Randall

4. STAFF COMMUNICATIONS:

Compliance Report: Justina Soto, 1506 South Walnut – Case No. CE1103-021446
Code Compliance Officer Michelle Tasseff presenting;
(This case was last heard by the Code Compliance Board on September 14, 2011 and is currently in compliance).

Code Compliance Officer Tasseff advised that the property was currently in compliance, the permit was finalized prior to the deadline and no fines were imposed.

Compliance Report: Protek Investments, 520 East Central Ave – Case No. CE0705-310847
Code Compliance Officer Michelle Tasseff presenting;
(This case was last heard by the Code Compliance Board on August 11, 2011 and is currently in compliance).

Code Compliance Officer Tasseff advised that the property was currently in compliance and the fines have been paid.

Quarterly Report – 3rd Quarter (July 1, 2011 through September 30, 2011)

Senior Code Compliance Officer Moreno presented the Quarterly Report.

5. BOARD COMMUNICATIONS

None

ADJOURNMENT: 5:02 p.m.

**NEXT SCHEDULED MEETING: Wednesday, November 9, 2011
4:00 p.m.**

PREPARED BY: Denna Owen
Secretary of the Board

DATE: 12-1-11

APPROVED BY: Nancy Stewart
Code Compliance Board Chair

DATE: 12-1-11