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DRAFT REGULAR MEETING MINUTES  
FEBRUARY 13, 2020

**1. CALL TO ORDER & ORDERS OF THE DAY**

**ROLL CALL**

**PRESENT:** Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioners Elizabeth Chien-Hale, Jorge Antonio Garcia, Dave Hook, and Timothy Kenny.

**ABSENT:** None.

**STAFF:** Board Secretary Karla Caceres, Finance Department Investigator Collector II My Vuong, Interim Senior Analyst Jeff Rhoades, Code Enforcement Inspector Hector Ortiz, Code Enforcement Supervisor Jason Gibilisco, and Senior Deputy City Attorney Rosa Tsongtaatarii.

**CALL TO ORDER**

Chair Parsons convened the Appeals Hearing Board at 6:30 p.m. in the City Council Chambers of City Hall, 200 E. Santa Clara Street, San Jose, CA 95113.

**2. OPENING REMARKS AND APPROVAL OF MINUTES**

**APPROVAL OF MINUTES**

Documents Filed: Draft Meeting Minutes from Appeals Hearing Board Regular Meeting on September 26, 2019.

Action: Chair Parsons stated, that a quorum of present Commissioners for the September 26, 2019 meeting will not be possible to vote on the Draft Meeting Minutes because one of the Commissioners is no longer on the Board. These Minutes will remain draft.

**3. REQUEST FOR DEFERRALS**

There was no request for deferrals.

**4. CONSENT CALENDAR**

No items on the consent calendar.

**5. DEFERRED AND/OR CONTINUED ITEMS**

There was no deferred and/or continued items.

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## 6. PUBLIC HEARINGS

### a. DELINQUENT TREE LIENS

Documents Filed: Notice of Public Hearing and Report of Delinquent Tree Liens dated November 27, 2019.

Action: Public Hearing to adopt a resolution confirming the report from the Director of Finance concerning delinquent tree violation costs and place a special assessment lien against the property accounts that have remained unpaid as of November 15, 2019.

My Vuong gave a summary presented the Board with an update. She removed two accounts from the list due to payment as of 5:00 p.m. February 13, 2020. Account Numbers Removed:

- 1164215 American Financial LLC
- 1169728 Teresa L Mendoza

Upon a motion by Commissioner Kenny, second by Vice Chair Cabanayan and carried unanimously to adopt a resolution confirming the report of of delinquent tree violations costs and to place a Special Assessment lien against the listed properties, as amended. (6-0)

### b. ABATEMENT LIENS

Documents Filed: Notice of Public Hearing and Report of Delinquent Abatements Costs dated November 27, 2019.

Action: Public Hearing to adopt a resolution confirming the report from the Director of Finance concerning delinquent abatement costs and place a special assessment lien against the property accounts that have remained unpaid as of November 15, 2019.

My Vuong gave a summary and no accounts have paid as of 5:00 p.m. February 13, 2020.

Upon a motion by Vice Chair Cababnayan, second by Commissioner Hook and carried unanimously to adopt a resolution confirming the report of delinquent abatement costs and to place a special assessment lien against the listed properties. (6-0)

### c. ADMINISTRATIVE REMEDIES LIEN

Documents Filed: Notice of Public Hearing and Report of Delinquent Administrative Penalties and Costs dated November 27, 2019.

Action: Public hearing to adopt a resolution confirming the report from the Director of Finance concerning the delinquent administrative penalties and costs for the

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accounts that have remained unpaid as of November 15, 2019.

My Vuong gave a summary presented the Board with an update. She removed two accounts from the list because Property Owner has arranged a payment plan through Finance as of 5:00 p.m. February 13, 2020. Account Numbers Removed:

- 1167274 Gwendolyn M. Kyle
- 1165303 Gwendolyn M. Kyle

Upon a motion by Commissioner Kenny, second by Commissioner Hook and carried unanimously to adopt a resolution confirming the report of delinquent administrative penalties and costs and to place a lien against the listed properties, as amended. (6-0)

**d. SPECIAL ASSESSMENT LIENS FOR COLLECTION OF DELINQUENT SOLID WASTE COLLECTION SERVICE**

Documents Filed: Notice of Public Hearing and Report of Delinquent Residential Solid Collection Service Charges, Late Charges and Administrative Fees and Charges dated January 27, 2020.

Action: Jeff Rhoads, Interim Senior Analyst, from the Finance Department provided an updated report of the accounts in a delinquent status as of 5:00 pm, February 13, 2020.

Upon motion by Commissioner Kenny, second by Commissioner Hook and carried unanimously, to adopt a resolution to confirm the special assessment report of the Director of Finance and the delinquent Residential Solid Waste Collection Service Charges, Late Charges and Administrative Fees and Charges, and to place a special assessment and secure a lien in the amount listed in the updated report as of February 13, 2020 at 5:00 p.m. (6-0)

**e. 614 NORTH 12<sup>TH</sup> STREET (249-33-004) – PROPOSED ABATEMENT**  
(Hector Ortiz, Inspector/ Lupe G. Morales, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Hearing served on January 29, 2020.

Action: Code Enforcement Inspector Hector Ortiz gave testimony. He stated that much of the Property has been cleaned but there remains more work to be done to comply with the Code.

Robert Vaughn, nephew of the Property Owner and tenant residing in the home, gave testimony. He stated that he has done work to the home, but needs more time because he has a full time job and tries to work on the house during his time off.

Chuck Hagenmaier, Howard Sherman, and Eloisa Rosas neighbors, gave testimony of how the issues at 614 North 12<sup>th</sup> Street have affected them.

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Upon motion by Commissioner Kenny, second by Commissioner Hook and carried unanimously, to adopt a resolution to confirm for the property owner to take the required corrective actions by the end of fourteen (14) calendar days from the date of service of the Board's resolution in this matter. The recommended corrective actions are as follows:

1. Remove and properly dispose of the dangerous accumulation of solid waste as defined in SJMC 9.10.280, including garbage, debris, household items and all other miscellaneous items in the rear yard.

If the above mentioned hazards and violations are not removed, and the preventative measures are not completed within fourteen (14) calendar days of the date of service of the Board's resolution in this matter, the abatement shall be performed by a City approved contractor or service providers and the cost of removing the solid waste, charged to the property owner to be billed following the completion of the work and paid in full within thirty (30) days of the billing date. (6-0)

#### **7. REQUEST FOR EXCUSED ABSENCE**

There was no request for excused absence.

#### **8. OTHER BUSINESS**

There was no other business.

#### **9. PUBLIC COMMENT**

There was no public testimony on the floor.

#### **10. ADJOURNMENT**

Upon a motion by Commissioner Kenny, seconded by Commissioner Hook, and carried unanimously, the Hearing was adjourned at 7:32 p.m. (6-0)