
REGULAR MEETING MINUTES
OCTOBER 26, 2023

1. CALL TO ORDER & ORDERS OF THE DAY

ROLL CALL

PRESENT: Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioner Manish Bajpai, Commissioner Timothy Kenny and Commissioner Williamson.

ABSENT: Commissioner David Hook.

STAFF: Board Secretary Regina Lizaola, Code Enforcement Inspector Manuel Duarte, Code Enforcement Inspector Angel Esparza, Code Enforcement Inspector Edwin Miranda, Code Enforcement Supervisor Joseph Hatfield, Code Enforcement Supervisor Donald Timoteo, Division Manager Rita Tabaldo, Deputy City Attorney Leanne Bolano and Chief Deputy City Attorney Rosa Tsongtaatarii.

CALL TO ORDER

Chair Parsons convened the Appeals Hearing Board at 6:39 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 July 27, 2023.

Action: Upon motion to Approve Minutes by Vice Chair Cabanayan, seconded by Commissioner Kenny, the minutes for July 27, 2023 was approved. (5-0-1).

3. REQUEST FOR DEFERRALS

There was no request for deferrals.

4. CONSENT CALENDAR

- a. **2213 CAROBWOOD LN (092-28-032) SUMMARY ABATEMENT**
(Manuel Duarte, Inspector/ Paul D Baggett and Sharon F Baggett “Property Owner”)

Documents Filed: Summary Abatement Order and Notice of Public Hearing.

Action: Request was made by Commissioner Bajpai to pull item from the consent calendar for discussion.

Code Enforcement Inspector Manuel Duarte gave testimony.

He provided a summary of the inspections and violations at the subject property.

After testimony and discussion item was placed on consent calendar for approval.

The property owner Sharon Baggett did appear for the hearing and chose not to speak.

Upon motion by Commissioner Kenny, seconded by Vice Chair Cabanayan and carried to affirm the summary abatement actions taken by the City on March 22, 2021 as set forth in the staff report (5-0-1).

5. DEFERRED AND/OR CONTINUED ITEMS

There was no deferred and/or continued items.

6. PUBLIC HEARINGS

- a. **0 MUIRFIELD DR (484-41-148) PROPOSED ABATEMENT**
(Angel Esparza, Inspector/ Maria Trujillo “Property Owner”)

Documents Filed: Proposed Abatement Order and Notice of Hearing dated October 10, 2023.

Action: Code Enforcement Inspector Angel Esparza gave testimony.

He provided a summary of the inspections and violations at the subject property.

He also provided an update on the inspection conducted on October 26, 2023 and showed photographs of the current status of the property. Code Enforcement Supervisor Joseph Hatfield answered questions from Commissioners.

Commissioners considered whether to provide additional time for the property owner to take the required corrective actions by the end of ten (10) calendar days of the date of service of the Board’s resolution in this matter. The Board also inquired regarding the process for abatement of the property.

The property owner did not appear for the hearing.

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried to adopt a proposed abatement order as outlined on page 10 of the staff report, ordering the property owner to take the enumerated actions within the next ten (10)

calendar days of the date of service of the Board's resolution in this matter. The recommended corrective actions are to:

- 1) Remove the accumulation of wood, solid waste, household or other items, and debris; inoperable and/or dismantled vehicles or parts; propane tanks; and unpermitted accessory buildings/structures; and
- 2) Cease the improper occupancy; and
- 3) Install a fence around the perimeter of the property or take other measures approved by the Code Enforcement Division to prevent further trespassing, accumulation, and/or illegal occupancy.

If the above mentioned violations are not corrected within ten (10) 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 provider and the cost of removal 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 (5-0-1).

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 Vice Chair Cabanayan, seconded by Commissioner Williamson, and carried unanimously, the Hearing was adjourned at 7:10 p.m (5-0-1).