
REGULAR MEETING MINUTES
JULY 11, 2024

1. CALL TO ORDER & ORDERS OF THE DAY

ROLL CALL

PRESENT: Chair Karen Parsons, Commissioner Jon Budas, Commissioner David Hook, Commissioner Timothy Kenny and Commissioner Brett Williamson.

ABSENT: Vice Chair Ron Cabanayan.

STAFF: Board Secretary Regina Lizaola, Code Enforcement Inspectors Servando Perez, Code Enforcement Inspectors Greg Martinez, Code Enforcement Supervisor Amber Zenk, Code Enforcement Supervisor Joe Celio, Division Manager Joseph Hatfield, Finance Department Sr. Analyst Gary Marquez and Deputy City Attorney Leanne Bolano.

CALL TO ORDER

Chair Parsens convened the Appeals Hearing Board at 6:33 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 April 25, 2024.

Action: Upon motion by Commissioner Kenny, seconded by Commissioner Williamson, and abstained by Commissioner Hook the minutes for April 25, 2024 was approved. (4-0-1-1).

3. REQUEST FOR DEFERRALS

There was no request for deferrals.

4. CONSENT CALENDAR

- a. **72 N BUENA VISTA (APN # 274-422-04) - SUMMARY ABATEMENT**
(Servando Perez, Code Enforcement Inspector/ Lam Cheryl, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated June 25, 2024

Upon motion by Commissioner Budas, seconded by Commissioner Kenny and carried to affirm the summary abatement actions as set forth in the staff report. dated June 25, 2024 (5-0-1)

5. DEFERRED AND/OR CONTINUED ITEMS

- a. **701 KINGS ROW UNIT 61E (237-30-014 & 237-30-009) SUMMARY ABATEMENT**
(Manuel Duarte, Code Enforcement Inspector/Kings Row Properties LLC C/O Slobodan Galeb Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated June 11, 2024

Action: Code Enforcement Supervisor Amber Zenk provided corrections to the staff report dated June 11, 2024: on p. 3 in Chronology the Inspection Notice was issued on 11/16/17 not 11/15/17, attached as Exhibit C; and on p.5 in Chronology, the Compliance Order was issued on 10/5/22, attached as Exhibit J. Code Enforcement Supervisor Zenk provided a summary.

Commissioner Hook asked what the criteria are for determining the subject unit was not being occupied as a living space. Ms. Zenk stated items that would infer overnight sleeping.

Upon motion by Commissioner Kenny, seconded by Commissioner Budas and carried to uphold the staff recommendations in the entirety as written in the staff report dated June 11, 2024. (5-0-1)

- b. **894 DRY CREEK RD (APN 412-24-026)– PROPOSED ABATEMENT**
(Greg Martinez, Code Enforcement Inspector/ Kenneth D. Feil Trustee Of The Kenneth D. Feil 2018 Revocable Trust Dated May 29, 2018, Property Owner)

Documents Filed: Proposed Abatement and Notice of Public Hearing dated June 11, 2024

Action: Code Enforcement Inspector Greg Martinez provided a summary including the inspection completed at the subject property on 7/9/24.

Commissioner Budas recused himself from participating in the item.

Property Owner Kenneth Feil spoke asking whether City staff would provide dumpsters so they can remove the items.

Tenant Michael stated he has been helping with clean up of the property for Mr. Feil confirmed the new mailing address is 894 Dry Creek Rd., Campbell CA 95008

Commissioners confirmed with Acting Division Manager Joseph Hatfield that dumpsters were offered to the Property Owner but the solid waste continued to accumulate, requiring abatement by a professional contractor..

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried to adopt Code Enforcement staff's recommendation as written in its entirety as stated in the staff report dated June 11, 2024 (4-0-1-1).

6. PUBLIC HEARINGS

a. SPECIAL ASSESSMENTS AND LIENS FOR DELINQUENT RESIDENTIAL SOLID WASTE COLLECTION SERVICE CHARGES

Documents Filed: Notice of a Public Hearing and Special Assessment Report from the Director of Finance concerning the Recycle Plus Program Residential Solid Waste Collection Service Charges delinquent status as of May 30, 2024

Action: Public Hearing to adopt a resolution confirming the Special Assessment Report from the Director of Finance and authorizing the recording of special assessment liens on the Santa Clara County secured property tax roll for collection of delinquent solid waste collection service accounts as of July 11, 2024 at 5:00 p.m.

Gary Marquez provided an updated spreadsheet of the outstanding delinquent accounts as of 5:00 p.m. July 11, 2024. The paid accounts were redlined, leaving the outstanding delinquent accounts proposed to be liened.

Upon a motion by Commissioner Kenny, second by Commissioner Williams carried unanimously, the Board upheld the Director of Finance's recommendation to adopt a resolution to confirm the updated special assessment report as of 5:00 p.m. on July 11, 2024 from the Director of Finance relating to the delinquent residential solid waste collection service charges, late charges, and administrative fees and charges contained therein; and authorize the Director of Finance place a special assessment and secure a lien in the amount of any delinquent customer account balance against the related parcels with the Santa Clara County Tax Assessor's Office and Recorder's Office, respectively. (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

Cheryl Lam commented regarding her property on 72 N Buena Vista.

10. ADJOURNMENT

Upon a motion by Commissioner Budas, seconded by Commissioner Williamson, and carried unanimously, the Hearing was adjourned at 7:20 p.m.