

REGULAR MEETING MINUTES  
FEBRUARY 13, 2025

**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 Leslie Alvernaz, Staff Specialist Regina Lizaola, Code Enforcement Inspector Servando Perez, Code Enforcement Inspector Wayne Cirone, Code Enforcement Supervisor Joseph Hatfield, Code Enforcement Supervisor Amber Zenk, Division Manager Eusebio Espitia, Finance Department Sr. Analyst Gary Marquez, Finance Department Investigator Collector I David Carlos, and Deputy City Attorney Leanne Bolaño.

**CALL TO ORDER**

Chair Parsons convened the Appeals Hearing Board at 6:31 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 January 23, 2025.

Action: Upon motion by Commissioner Hook, seconded by Commissioner Kenny the minutes for January 23, 2025 was approved. (5-0-1).

**3. REQUEST FOR DEFERRALS**

There was no request for deferrals.

**4. CONSENT CALENDAR**

- a. **1911 CLEVELAND AVE 274-210-03 SUMMARY ABATEMENT**  
**(Servando Perez Code Enforcement Inspector/ Yuan Hang and Ren Ran Property Owner)**

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated January 27, 2025.

Action: Item pulled from the Consent Calendar. Code Enforcement Inspector Servando Perez provided a summary of the property.

Property Owner Hang Yuan testified to advise he attempted to contact PG&E multiple times at the time of abatement.

Upon motion by Chair Parsons, seconded by Commissioner Kenny and carried to uphold the summary abatement action taken by the City as set forth in the Staff Report dated January 27, 2025 (5-0-1)

## 5. DEFERRED AND/OR CONTINUED ITEMS

There was no deferred and/or continued items.

## 6. PUBLIC HEARINGS

### a. 41 WIGWAM CT 685-01-007 ADMINISTRATIVE REMEDY

Wayne Cirone, Code Enforcement Inspector/ Phuoc V Phan, Property Owner)

Documents Filed: Administrative Remedy and Notice of Public Hearing dated January 27, 2025

Action: Code Enforcement Inspector Wayne Cirone provided a summary and confirmed that per an inspection completed February 13, 2025, the property remains in a neglected state of disrepair.

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried (5-0-1) to adopt a resolution:

#### 1. Order to Correct

On or before March 15, 2025, **the Property Owner** shall install Responsible Party signage, maintain minimum appearance and security standards per 17.38; cover with sufficient paint, siding or stucco any unfinished boarded openings; repair or replace any damaged sections of fencing to deter unauthorized access; properly store garbage and rubbish bins; maintain vegetation to acceptable lengths; demonstrate with evidence compliance with 17.38.200 by obtaining a valid, unexpired building permit towards the rehabilitation and repair of the property, or that the property no longer constitutes a public nuisance, or that the property has been rehabilitated and is actively being offered for sale, lease, or rent.

#### 2. Administrative Costs

**On or before February 27, 2025, the Property Owner** shall pay Administrative Costs to the City of San Jose in the amount of **\$2,178.00**.

#### 3. Administrative Penalties

**On or before February 27, 2025,** the Property Owner shall pay Administrative Penalties to the City of San Jose, pursuant to San Jose Municipal Code Section 1.14.090, in the amount of **\$10,000.00**. If full compliance with the Board's Order is not achieved by **March 15, 2025**, the Property Owner shall pay additional Administrative Penalties in the amount of **\$1,000.00 per day, starting from March 16, 2025**, until the date of compliance with the Board's Order, up to a maximum of \$100,000.00. If the Administrative Penalties are not paid and are recorded as a lien on the real property pursuant to San Jose Municipal Code Sections 1.14.160 and 1.14.180, as may be amended, an interest rate of ten percent (10%) per annum

shall be charged on the principal amount of the administrative lien, from the date the lien is first recorded until the date that payment is received by the City, consistent with California Code of Civil Procedure Section 685.010, as may be amended.

b. **SPECIAL ASSESSMENTS LIENS FOR DELINQUENT RESIDENTIAL SOLID WASTE COLLECTION SERVICE CHARGES**

Documents Filed: Notice of 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 January 17, 2025

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 February 13, 2025 at 5:00 p.m.

Gary Marquez provided an updated spreadsheet of the outstanding delinquent accounts as of 5:00 p.m. February 13, 2025. The paid accounts were redlined, with a total of 231 outstanding delinquent accounts proposed to be liened.

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried unanimously, the Board approved the updated special assessment report as of 5:00 p.m. February 13, 2025 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 authorized the Director of Finance to 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. (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 Commissioner Williamson, seconded by Commissioner Hook, and carried unanimously, the Hearing was adjourned at 6:53 p.m.