
DRAFT REGULAR MEETING MINUTES
MARCH 14, 2024

1. CALL TO ORDER & ORDERS OF THE DAY

ROLL CALL

PRESENT: Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioner Jon Budas, Commissioner David Hook, and Commissioner Timothy Kenny.

ABSENT: Commissioner Brett Williamson.

STAFF: Board Secretary Regina Lizaola, Code Enforcement Inspectors Manuel Duarte, Division Manager Joseph Hatfield, Finance Department Investigator Collector II Trinh Nguyen and Deputy City Attorney Leanne Bolano.

CALL TO ORDER

Chair Parsons convened the Appeals Hearing Board at 6:34 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 February 8, 2024.

Action: Upon motion by Commissioner Kenny, seconded by Commissioner Hook, the minutes for February 8, 2024 was approved. (5-0-1).

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.

6. PUBLIC HEARINGS

a. DELINQUENT TREE LINES

Documents Filed: Notice of Public Hearing and Report of Delinquent Tree Liens dated January 31, 2024

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 January 31, 2024.

Trinh Nguyen gave a summary presented the Board with an update. She removed 12 accounts from the list due to payment and cancellations as of 5:00 p.m. March 14, 2024.

Upon a motion by Commissioner Kenny, Second by Commissioner Hook and carried (5-0-1) unanimously to adopt resolutions confirming the report from the Director of Finance as amended on March 14, 2024, reflecting what was paid and the delinquent tree violations costs for the accounts that remain unpaid, as of 5:00 p.m. March 14, 2024, to direct staff to place a Special Assessment lien against the property to be recorded with the Santa Clara County Recorder's Office

b. 2975 CROPLEY AVENUE (092-14-002)– PROPOSED ABATEMENT

(Manuel Duarte, Code Enforcement Inspector/ Mohamed Amin, Trustee of the A255255 Living Trust, Property Owner)

Documents Filed: Proposed Abatement Order and Notice of Public Hearing dated February 27, 2024

Action: Code Enforcement Inspector Manuel Duarte stated a correction needed to be made to the Notice of Hearing on page 12, as his badge number is 140E, not 143E. Inspector Duarte provided a summary and related pictures of the inspections completed at the subject property from May 10, 2018 to March 14, 2024.

Property Owner Mohamed Amin spoke he stated he has owned the property since 2014 and has no access to his home for the past four (4) years. He claimed he is unable to remove his personal items from the property and abate the property due to a restraining order handled in the local family court system which prevents him from being near the home and his former spouse, who is occupying the property. The Board asked Mr. Amin if he could have a third-party service assist in removal of his personal property and abatement of the property, but Mr. Amin stated he did not have the financial means to do so.

City staff confirmed with the Board that they have already provided several alternative options to Mr. Amin for the removal of his personal property and abatement of the subject property, in light of his financial and familial challenges.

Upon a motion by Commissioner Kenny, Second By Commissioner Hook and carried (5-0-1) unanimously to adopt a resolution that the San Jose Appeals Hearing Board order the property owner to take the required corrective actions within ten (10) calendar days of the date of service of the Board's resolution in this matter. The recommended corrective actions are:

- Remove the accumulation of solid waste and blight items located in the front, side and rear yards. Items include but are not limited to household items/appliances/furniture, lumber, recyclables, cardboard, miscellaneous debris and other dilapidated personal belongings
- Trim all overgrown vegetation located in front, side and rear yards
- Repair or replace the dilapidated fencing surrounding the rear yard (swimming pool area)
- Eliminate the polluted water located in the swimming pool
- Remove the dilapidated attached patio cover located at the rear of the home

If the above mentioned hazards and violations are not removed 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 providers and the cost of the abatement actions charged to the property owner in addition to administrative costs, to be billed following the completion of the work and paid in full within thirty (30) days of the billing date.

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 Vice Chair Cabanayan, and carried unanimously, the Hearing was adjourned at 7:13 p.m.