

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, MAY 28, 2009
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:38 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Sonja Etienne, Jose Hernandez, Judy Jones, Troy Overton, and Susan Ruscigno. Commissioner Karen Parsons was absent.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Michael Hannon, Code Enforcement Official
Sandy Bouja, Appeals Hearing Board Secretary
Eusebio Espitia, Code Enforcement Supervisor
Mollie McLeod, Code Enforcement Supervisor
Ed Callis, Code Enforcement
Louis Johnson, Code Enforcement
Garry McLeod, Code Enforcement
William Gerry, Code Enforcement
Betty Mitre, Code Enforcement

2. **Opening Remarks and Approval of Minutes**

Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. There was a motion by Commissioner Etienne, seconded by Commissioner Hernandez, to approve the minutes of May 14, 2009, 2009. Commissioner Jones abstained.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

- a. **734 Vine Street (264-34-056) Summary Abatement**
(Don Singleton, Inspector / 1st National Bank of Northern California, Property Owners)
- b. **4893 Winton Way (421-10-083) Summary Abatement**
(William Gerry, Inspector / Indymac Federal Bank, Property Owners)
- c. **977 S. Jackson Avenue (481-34-036) Summary Abatement**
(Ed Callis, Inspector / Nathan Flores, Property Owner)
- d. **1692 Shortridge Avenue (481-15-012) Summary Abatement**
(Ed Callis, Inspector / Deutsche Bank Natl Tr Co Trustee, Property Owner)
- e. **1883 E. St. James Street (481-10-025) Summary Abatement**
(William Gerry, Inspector /PCG REO Holdings, LLC, Property Owner)

- f. **1629 Scotty Street (486-09-079) Summary Abatement**
(William Gerry, Inspector / Vail Ovidio, Property Owner)
- g. **325 E. St. John Street (467-18-054) Summary Abatement**
(William Gerry, Inspector / Nomura Home Equity, Property Owner)

There was a motion by Commissioner Hernandez, seconded by Commissioner Etienne, to order as follows:

To approve the Consent Calendar.

AYES: Etienne, Hernandez, Jones, Overton, Ruscigno, Williams
NAYS:
ABSENT: Parsons

5. **Deferred and/or Continued Items**

- a. **1023 S 10th Street (472-13-029) Proposed Abatement**
(Garry McLeod, Inspector / Anson Poon Yu Lee & Susanna Lu, Property Owners)

Code Enforcement Inspector Garry McLeod testified and stated that the Property Owner has complied and requested that the Board dismiss the matter.

There was a motion by Commissioner Williams, seconded by Commissioner Ruscigno, to order as follows:

To dismiss the matter.

AYES: Etienne, Hernandez, Jones, Overton, Ruscigno, Williams
NAYS:
ABSENT: Parsons

6. **Public Hearings**

- a. **1195 Piedmont Road (591-12-030) Administrative Remedy**
(Louis Johnson, Inspector / Mua D. Tran, Property Owner)

Appeals Hearing Board Secretary, Sandy Bouja, stated that Mr. Tran had phoned and requested that the case be deferred to July 23, 2009. Code Enforcement Inspector Louis Johnson testified and stated Code Enforcement is in agreement.

There was a motion by Commissioner Ruscigno, seconded by Commissioner Hernandez, to order as follows:

To defer the case to July 23, 2009.

AYES: Etienne, Hernandez, Jones, Overton, Ruscigno, Williams
NAYS:
ABSENT: Parsons

b. 3425 Sierra Road (595-10-006) Administrative Remedy
(Louis Johnson, Inspector / Mai Tran, Property Owner)

Code Enforcement Inspector Louis Johnson gave his testimony and stated that he has been out to the property this morning and the conditions still exists. The property owner was not present at the meeting.

There was a motion by Commissioner Williams, seconded by Commissioner Overton, to order as follows:

To approve the City's recommendation with a change made to the Administrative Costs in the amount of \$950.30 and a change made to the compliance date to read December 31, 2009.

AYES: Etienne, Hernandez, Jones, Overton, Ruscigno, Williams
NAYS:
ABSENT: Parsons

c. 374 S. 19th Street (467-51-056) Proposed Abatement
(William Gerry, Inspector / Luzmaria Martinez, Property Owner)

Inspector William Gerry testified that as of his fourth and final reinspection at the subject property on May 6, 2009, the property conditions still existed. Inspector Gerry stated that he drove by the property today and the conditions still exists. The property owner was not present at the meeting.

There was a motion by Commissioner Williams, seconded by Commissioner Overton, to order as follows:

To approve the City's recommendation.

AYES: Etienne, Hernandez, Jones, Overton, Ruscigno, Williams
NAYS:
ABSENT: Parsons

7. **Other Business**

8. **Open Forum - Oral Communication from the Public**

9. **Adjournment**

There was a motion by Commissioner Etienne, seconded by Commissioner Jones to adjourn the meeting. Chair Clark Williams adjourned the meeting at 7: 25 p.m. The next regular meeting will be held on Thursday, June 11, 2009 at 6:30 p.m., at the City Hall Council Chambers.