

SAN JOSE APPEALS HEARING BOARD MINUTES  
THURSDAY, AUGUST 28, 2008  
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Calvin Chu, Sonja Etienne, Troy Overton, Karen Parsons and Susan Ruscigno. Commissioner Jose Hernandez was absent.

Staff Present: Evet Loewen, Chief Deputy City Attorney  
Sandy Bouja, Appeals Hearing Board Secretary  
Peter Nwokolo, Code Enforcement  
Dora Ouimet, Code Enforcement  
Robyn Zamora, Finance Department  
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 Parsons, to approve the minutes of August 14, 2008.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

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

6. **Public Hearings**

- c. **5892 Macadam Court (689-54-008) Proposed Abatement**  
(Dora Ouimet, Inspector / Glenn E. & July M. Bender)

Code Enforcement Inspector Dora Ouimet testified and presented photos of the subject property. The photos show that both the interior and exterior of the home has a dangerous accumulation of trash and debris. Inspector Dora Ouimet stated that the City had provided the property owner with dumpster bins to help the property owner remove the accumulated items.

Property owner, Judy M. Bender, was present and gave her testimony that she is a volunteer at a senior center and that her volunteerism consumed most of her time. Mrs. Judy M. Bender also stated that the food outside of her home was given to

her to feed people who need it. She also stated that the food was overwhelming and she did not have room to store it. The property owner's son and grandson were present and gave their testimony regarding the subject property. Mr. Eric Bender, son of property owner, Judy M. Bender, stated that the Ford Aerostar van in the driveway is ready to sell and that he has cleaned the inside of the home. Eric Bender requested thirty days to clean up the outside of the property.

Neighbors Ralph Anderson and Ellie Golash were present to give their testimony for the subject property.

Neighbors Stephanie Taylor, Steve Dias, Manuel Dias and Jamie Dias were present to give their testimony against the subject property.

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

To adopt the recommendation of the Code Enforcement Staff and require the property owner to take the corrective action by the end of the ten days of the Boards resolution.

AYES: Chu, Etienne, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT: Hernandez

**d. Finance Department – Administrative Remedies**

The Finance Department requests adoption of a resolution confirming the Director of Finance's report concerning the delinquent Administrative Penalties and administrative Costs for the accounts that have remained unpaid as of August 6, 2008 and direct staff to place a lien against the property to be recorded with the Santa Clara County Recorder's Office.

Robyn Zamora from the Finance Department requested item #3, 7048 Hollow Lake Way, APN 583-67-008, removed. Res. 07-19.

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

To approve the Finance Departments request with the exception of Item #3.

AYES: Chu, Etienne, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT: Hernandez

e. **Finance Department – Abatements**

Public Hearing to adopt a resolution confirming the Director of Finance’s report concerning unpaid Abatement Costs for the accounts that have remained unpaid as of August 6, 2008, and directs staff to place a lien against the property to be recorded with the Santa Clara County Recorder’s Office.

Robyn Zamora from the Finance Department requested items #3, 206 Pinot Court, APN 704-41-038, Res. 08-34; #7, 154 N 6<sup>th</sup> Street, APN 467-19-024, Res. 08-45, #8, 1830 Waverly Avenue, APN 491-07-011, Res. 08-46 be removed.

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

To approve the Finance Departments request with the exception of Items #3, #7 and #8.

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

7. **Other Business**

8. **Oral Communication from the Public**

9. **Adjournment**

There was a motion by Commissioner Chu, seconded by Commissioner Parsons to adjourn the meeting. Chair Clark Williams adjourned the meeting at 8:16 p.m. The next regular meeting will be held on Thursday, September 11, 2008 at 6:30 p.m., at the City Hall Council Chambers.