

SAN JOSE APPEALS HEARING BOARD MINUTES  
THURSDAY, JANUARY 22, 2009  
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 Sonja Etienne, Jose Hernandez, Judy Jones, Karen Parsons, Troy Overton and Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney  
Michael Hannon, Deputy Director Code Enforcement  
Sandy Bouja, Appeals Hearing Board Secretary  
Garry McLeod, Code Enforcement  
Luis Arevalo, Code Enforcement  
Alex Rojas, Finance  
Betty Mitre, Code Enforcement

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

Chairperson Clark Williams welcomed Commissioner Judy Jones to the Board. Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. The date in the minutes was noted and changed to read November 13, 2008. There was a motion by Commissioner Ruscigno, seconded by Commissioner Etienne, to approve the minutes of December 11, 2008.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

- a. **455 W Virginia Street (264-22-101) Summary Abatement**  
(Garry McLeod, Inspector / HSBC Bank USA Tr. / Ace Securities Corp Tr Series 2004 HE4, Property Owners)
- b. **351 Mayellen Avenue (277-16-036) Summary Abatement**  
(Garry McLeod, Inspector / Maryam Adabi, Property Owners)
- c. **2590 Poplarwood Way (092-05-062) Summary Abatement**  
(Garry McLeod, Inspector / Junior C. Quinn & Mary Torrey-Quinn, Property Owners)
- d. **2148 Leon Drive (282-30-029) Summary Abatement**  
(Luis Arevalo, Inspector / Tamio Yanagawa, Property Owner)

There were no separate discussions on hearing items regarding 455 W Virginia Street, 351 Mayellen Avenue, 2590 Poplarwood Way and 2148 Leon Drive. The hearing items were considered to be routine and were adopted in one motion.

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

To approve the Consent Calendar.

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

**e. Notice of Public Hearing and Application for and Renewal of Appeals Hearing Board Administrative Order and Lien**

Alex Rojas from the Finance Department requested that #9 (75 W William St.) be removed from the list.

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

To approve the Finance Departments' request to adopt a resolution for renewal of Appeals Hearing Board Administrative Orders and Liens and to remove Item #9, 75 W William Street, from the list.

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

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

**6. Public Hearings**

- c. 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 January 6, 2009 and direct staff to place a lien against the property to be recorded with the Santa Clara County Recorder's Office.

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

To approve the Finance Departments' request and remove Item #5, Res. 07-19, and reduce the amount to \$1,700.00 for Item #9, Res. 08-20.

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

- d. 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 January 6, 2009, and directs the Director of Finance to place a Special Assessment against the property secured by a lien against the property with the Santa Clara County Recorder's Office

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

To approve the Finance Departments' request to remove #3, Res. 08-71, #4, Res. 08-72 and #5, Res. 08-73 and to attach a lien to Item #2, 08-70, to GMAC Mortgage LLC, and not to the current property owner.

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

7. **Other Business**

Appeals Hearing Board Secretary, Sandy Bouja, stated that a least two volunteers were needed to attend one of the scheduled meetings for the Focus Group. Commissioner Hernandez and Commissioner Overton volunteered to attend the February 25<sup>th</sup> meeting. Chair Williams volunteered to attend the February 19<sup>th</sup> meeting.

The Appeals Hearing Board retreat will be on February 12, 2009.

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

9. **Adjournment**

There was a motion by Commissioner Parsons, seconded by Commissioner Etienne to adjourn the meeting. Chair Clark Williams adjourned the meeting at 7: 15 p.m. The next regular meeting will be held on Thursday, February 26, 2009 at 6:30 p.m., at the City Hall Council Chambers.