

SAN JOSE APPEALS HEARING BOARD MINUTES  
THURSDAY, MARCH 12, 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, Troy Overton, Karen Parsons, and Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney  
Diane Buchanan, Code Enforcement Division Manager  
Sandy Bouja, Appeals Hearing Board Secretary  
Eusebio Espitia, Code Enforcement Supervisor  
Al Morales, Acting Code Enforcement Supervisor  
Margaret Lafferty, Code Enforcement  
Greg Peacock, Code Enforcement  
Brenda Silvataci, Finance Department  
Jeff Rhoads, Finance Department  
Betty Mitre, Code Enforcement  
Marcy Gentry, 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 Hernandez, seconded by Commissioner Parsons, to approve the minutes of February 26, 2009.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

- a. **2261 S. King Road (670-08-005) Summary Abatement**  
(Garry McLeod, Inspector / Quyen H. Tram, Property Owner)
- b. **10200 Griffith Street (647-04-009) Summary Abatement**  
(Garry McLeod, Inspector / Estate of Iola Chapman & Erica Gilles, Property Owners)
- c. **1641 Christopher Street (486-09-002) Summary Abatement**  
(Garry McLeod, Inspector / Fremont Investment & Loan, Property Owner)
- d. **348 N 20<sup>th</sup> Street (249-62-063) Summary Abatement**  
(Garry McLeod, Inspector / Angel Gonzalez, Property Owner)

e. **1385 Camino Robles Way (575-34-060) Summary Abatement**  
(Garry McLeod, Inspector / Nathan Duarte, Property Owner)

There were no separate discussions on hearing items regarding 2661 S. King Road, 10200 Griffith Street, 1641 Christopher Street, 348 N 20<sup>th</sup> Street and 1385 Camino Robles Way. The hearing items were considered to be routine and were adopted in one motion.

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

To approve the Consent Calendar.

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

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

a. **5718 Allen Avenue #3 (694-20-015) Administrative Remedy**  
(Greg Peacock, Inspector / George M. and Lora J. Aguilar, Property Owners)

Code Enforcement Inspector Greg Peacock testified and presented photos of the subject property. Inspector Peacock stated that he made an inspection this afternoon and stated that the garage door had been removed and the remaining minor issue was the electrical outlet for the garage door opener.

The property owner was not present at the meeting.

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

To uphold the City's recommendation and waive the administrative penalties of \$1870.00. The administrative costs of \$1090.70 are due April 13, 2009.

AYES: Etienne, Hernandez, Jones, Overton, Ruscigno, Williams  
NAYS:  
ABSENT:  
RECUSE: Parsons She did? I don't remember this.

**6. Public Hearings**

- c. 2372 Pacheco Drive (254-31-021) Administrative Remedy**  
(Margaret Lafferty, Inspector / Arnel Estoesta, Property Owner)
- f. 1982 Ensign Way (254-36-078) Administrative Remedy**  
(Margaret Lafferty, Inspector / Arnel & Arleene Estoesta, Property Owners)
- g. 2124 Morrill Avenue (092-20-004) Administrative Remedy**  
(Margaret Lafferty, Inspector / Arnel Estoesta, Property Owner)

Code Enforcement Inspector Margaret Lafferty testified and stated that all three properties are owned by the same property owner. All three addresses have garage conversions without permits. Inspector Lafferty presented photos of all three subject properties showing the observed violations.

The property owner was not present at the meeting.

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

To uphold the City staff's recommendation of the administrative costs of \$1090.70 for each property and the administrative penalties in the amount of \$3,850.00 for each property. The property owner shall pay \$200.00 per day per property starting June 23, 2009 for the properties at 2372 Pacheco Drive, 1982 Ensign Way and 2124 Morrill Avenue.

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

NAYS:

ABSENT:

- e. Recycle Plus Liens**  
Public Hearing to adopt a resolution confirming the report from the Director of Finance concerning unpaid Recycle Plus bills for accounts in a delinquent status as of February 18, 2009, and directing the Director of Finance to place a Lien against related properties secured by a lien with the Santa Clara County Recorder's Office.

Jeff Rhoads from the Utility Billing Group was present and stated that the Finance Department is requesting to seek liens against the listed properties.

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

To uphold the recommendation of the Finance Department and adopt a resolution confirming the report of unpaid Recycle Plus bills and place an assessment against the properties secured by a lien, except for APN 279-02-023 and APN 419-51-002 which were removed

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

NAYS:

ABSENT:

7. **Other Business**

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

9. **Adjournment**

There was a motion by Commissioner Parsons, 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, March 26, 2009 at 6:30 p.m., at the City Hall Council Chambers.