

SAN JOSE APPEALS HEARING BOARD MINUTES  
THURSDAY, AUGUST 13, 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 and Karen Parsons. Commissioner Susan Ruscigno was absent.

Staff Present: Evet Loewen, Chief Deputy City Attorney  
Diane Buchanan, Code Enforcement Manager  
Sandy Bouja, Appeals Hearing Board Secretary  
Eusebio Espitia, Code Enforcement Supervisor  
Mollie McLeod, Code Enforcement Supervisor  
Steve Duncan, Code Enforcement  
William Gerry, Code Enforcement  
Louis Johnson, 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. Chair Williams thanked Vice Chair Parsons for filling in for him at the July 23, 2009 meeting. There was a motion by Commissioner Parsons, seconded by Commissioner Etienne, to approve the minutes of July 23, 2009.

3. **Request for Excused Absence**

The Board approved the excused absence for Commissioner Jones for July 23, 2009.

4. **Public Hearings Consent Calendar**

- a. **1679 Foley Avenue (486-01-086) Summary Abatement**

(William Gerry, Inspector /Flagstar Bank & PLM Lender Services, Inc., Property Owners)

- b. **2672 Othello Avenue (670-22-007) Summary Abatement**

(Steve Duncan, Inspector / Gloria M. Alvarez, Property Owner)

There were no separate discussions on hearing items regarding 1679 Foley Avenue and 2672 Othello Avenue. The hearing items were considered to be routine and were adopted in one motion.

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

To approve the Consent Calendar.

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

NAYS:

ABSENT: Ruscigno

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

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

Code Enforcement Supervisor Mollie McLeod testified and provided photographs of the subject property.

Property Owner, Mua D. Tran, was present and provided his testimony.

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

To support the City's recommendation.

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

NAYS:

ABSENT: Ruscigno

**6. Public Hearings**

**b. 3531 Millicent Court (654-22-047) Proposed Abatement**  
(William Gerry, Inspector / Don C. & Mary L. Sylvestri, Property Owners)

Code Enforcement Inspector William Gerry testified and provided photographs of the subject property.

The property owner was not present at the meeting.

Helen Esquivel, Claudette Lindsay and Juanita Navarro gave their comments and testimony against the subject property.

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

To support the City's recommendation.

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

NAYS:

ABSENT: Ruscigno

c. **2661 S. King Road (670-08-005) Proposed Abatement**  
(William Gerry, Inspector / Quyen H. Tram, Property Owner)

Code Enforcement Inspector William Gerry testified and provided photographs of the subject property.

The property owner was not present at the meeting.

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

To support the City's recommendation.

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

d. **3139 Oakgate Way (659-37-084) Proposed Abatement**  
(William Gerry, Inspector / Joanna Medios, Property Owner)

Code Enforcement Inspector William Gerry testified and provided photographs of the subject property.

The property owner was not present at the meeting.

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

To support the City's recommendation.

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

- e. **1144 Delynn Way (439-36-044) Proposed Abatement**  
(William Gerry, Inspector / Jerry and Elizabeth Ellis, Property Owners)

Code Enforcement Inspector William Gerry testified and provided photographs of the subject property.

The property owner was not present at the meeting.

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

To support the City's recommendation.

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

NAYS:

ABSENT: Ruscigno

7. **Other Business**

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

9. **Adjournment**

There was a motion by Commissioner Jones, seconded by Commissioner Hernandez, to adjourn the meeting. Chair Clark Williams adjourned the meeting at 8: 14 p.m. The next regular meeting will be held on Thursday, August 27, 2009, at 6:30 p.m., at the City Hall Council Chambers.