

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, SEPTEMBER 10, 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: Vice Chair Karen Parsons, Commissioners Sonja Etienne, Jose Hernandez, Judy Jones, Troy Overton and Susan Ruscigno. Chairperson Clark Williams and Deputy City Attorney Evet Loewen were absent.

Staff Present: Rosa Tsongtaatarii, Deputy City Attorney
Diane Buchanan, Code Enforcement Manager
Sandy Bouja, Appeals Hearing Board Secretary
Eusebio Espitia, Code Enforcement
Margaret Lafferty, Code Enforcement
William Gerry, Code Enforcement
Betty Mitre, Code Enforcement

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

Vice Chair Karen Parsons, standing in for the chair, 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 Ruscigno, to approve the minutes of August 27, 2009.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

- a. **2145 Ramish Drive (245-12-057) Summary Abatement**
(William Gerry, Inspector / Luzviminda C. Alvarez, Property Owner)
- b. **2010 Sierra Road (245-10-050) Summary Abatement**
(William Gerry, Inspector / Charlie Chi Pham, Property Owner)

There were no separate discussions on hearing items regarding 2145 Ramish Drive and 2010 Sierra Road. The hearing items were considered to be routine and were adopted in one motion.

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

To approve the Consent Calendar.

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

5. Deferred and/or Continued Items

- a. **1655 BERRYESSA ROAD (241-03-015, 241-03-016) ADMINISTRATIVE REMEDY** (Margaret Lafferty, Inspector / Howard Misle, Business Owner/Operator, Maureen Stickler, Robert B. Facchino & Robert B. Facchino Family Limited Partnership, JRDK LLC, Robert B. Facchino & Karisa S. Flores, Property Owners)

Vice Chair Parsons stated that she received a memo stating that American Metals and Iron has vacated the site, which was confirmed last week, and that the Cease and Desist order is no longer necessary and the matter can be taken off the calendar.

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

To remove item 5a, the property located at 1655 Berryessa Road, from the calendar.

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

6. Public Hearings

- a. **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 August 19, 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 Hernandez, seconded by Commissioner Etienne, to order as follows:

To approve the Recycle Plus liens with the exception of APN 660-63-002, APN 254-77-009 and APN 488-08-066 that were removed from the list.

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

NAYS:

ABSENT: Williams

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. Vice Chair Karen Parsons adjourned the meeting at 6:46 p.m. The next regular meeting will be held on Thursday, October 8, 2009, at 6:30 p.m., at the City Hall Council Chambers.