

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, JULY 23, 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, Troy Overton and Susan Ruscigno. Chairperson Clark Williams and Commissioner Judy Jones were absent.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Michael Hannon, Code Enforcement Official
Sandy Bouja, Appeals Hearing Board Secretary
William Gerry, Code Enforcement
Moe Kumre, Santa Clara County Department of Agriculture &
Resource Management
Betty Mitre, Code Enforcement
Peter Nwokolo, Code Enforcement Supervisor
Colleen Winchester, Senior Deputy City Attorney

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 Etienne, seconded by Commissioner Hernandez, to approve the minutes of July 9, 2009.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

- a. **2156 Fairmont Drive (652-17-060) Summary Abatement**
(William Gerry, Inspector / Maria Leon, Property Owner)

Code Enforcement Inspector William Gerry testified and stated that the property went into bankruptcy and that Bank of America is now the property owner. Inspector Gerry also stated that the Property Owner, Maria Leon, has no interest in the property.

Property Owner, Maria Leon, was present and declined to comment.

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

To uphold the abatement action taken by the City.

AYES: Etienne, Hernandez, Overton, Parsons, Ruscigno

NAYS:

ABSENT: Jones, Williams

5. Deferred and/or Continued Items

6. Public Hearings

- a.** Public Hearing to Adopt a Resolution Confirming the Hazardous Vegetation Program Assessment Report of the Director of Planning for the Costs and Expenses Incurred to Abate Weeds and to Direct Placement of the Costs and Expenses as a Special Assessment Against the Affected Properties.

Ali Shahidi, representative for Property Owner Ahmad Ashraf was present to appeal the report for APN 595-06-017.

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

To uphold the weed abatement on the subject property.

AYES: Etienne, Hernandez, Overton, Parsons, Ruscigno

NAYS:

ABSENT: Jones, Williams

Property Owner, Noel Soos, for APN 581-25-024, was present to appeal the report.

Code Enforcement Official Michael Hannon stated that in the interest of justice the inspection fee will be waived.

No vote taken at this time.

The Property Owner for APN 595-27-031 was present to appeal the report.

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

To uphold the weed abatement on the subject property.

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

Property Owner, Diep Le, for APN 595-20-064 was present to appeal the report.

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

To uphold the weed abatement on the subject property.

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

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

To uphold the abatement on the remaining properties and to remove APN 581-25-024 and APN 595-20-065 from the 2009 Hazardous Vegetation Program Assessment Report.

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

- b. 722 Willis Avenue (264-22-110) Administrative Remedy**
(William Gerry, Inspector / Galvin D. Jackson, Galvin D. Jackson Trustee, Property Owners)

Appeals Hearing Board Secretary Sandy Bouja stated that the Attorney representing the property owner contacted her to request the item be deferred to the meeting of August 27, 2009.

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

To defer the item to the Appeals Hearing Board meeting of August 27, 2009.

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

c. **Hearing on Appeal of Denial of Reapplication for Taxi Driver Permit**
(San Jose Police Permits/Ali Abdiaziz Hasan, Appellant)

Senior Deputy City Attorney Colleen Winchester stated that the City has reached an agreement with Mr. Hassan and requested that the item be taken off the calendar.

7. **Other Business**

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

9. **Adjournment**

There was a motion by Commissioner Etienne, seconded by Commissioner Hernandez to adjourn the meeting. Vice Chair Karen Parsons adjourned the meeting at 8: 00 p.m. The next regular meeting will be held on Thursday, August 13, 2009, at 6:30 p.m., at the City Hall Council Chambers.