

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, NOVEMBER 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, Vice Chair Karen Parsons, Commissioners Sonja Etienne, Jose Hernandez, Judy Jones, Troy Overton and Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Diane Buchanan, Code Enforcement Manager
Sandy Bouja, Appeals Hearing Board Secretary
Luis Arevalo, Code Enforcement
William Gerry, Code Enforcement
Kerry Smith, Code Enforcement
Alex Rojas, Finance Department
Betty Mitre, Code Enforcement

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

Chair Clark Williams 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 Parsons, to approve the minutes of October 22, 2009. Commissioner Hernandez and Commissioner Ruscigno abstained.

3. **Request for Excused Absence**

The Board unanimously approved the absence of Commissioner Hernandez for October 22, 2009.

4. **Public Hearings Consent Calendar**

- a. **2311 Samoa Way (486-35-034) Summary Abatement**
(William Gerry, Inspector / Teofilo A. Cajés, Property Owner)
- b. **6085 Indian Avenue (687-11-014) Summary Abatement**
(William Gerry, Inspector / Aurora Loan Service, LLC, Property Owner)
- c. **1299 Erinwood Court (494-58-056) Summary Abatement**
(William Gerry, Inspector / Theavin Prom, Property Owner)

There were no separate discussions on hearing items regarding 2311 Samoa Way, 6085 Indian Avenue and 1299 Erinwood Court. 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, Ruscigno, Williams
NAYS:
ABSENT:

5. Deferred and/or Continued Items

- a. 6192 Calle del Conejo (575-30-060) Proposed Abatement**
(Pierre Schutz, Inspector / Allan Zmyslowski, Property Owner)
Acting Code Enforcement Supervisor Luis Arevalo informed the Board that the property is in compliance and the City is not pursuing the Proposed Abatement.

6. Public Hearings

- a. 11751 Southwood Drive (307-03-031) Administrative Remedy**
(Kerry Smith, Inspector / Rafati Masood, Property Owner)

Code Enforcement Inspector Kerry Smith testified and presented photos of the subject property.

Property Owner Rafati Masood was not present at the meeting.

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

To approve the City's request and to change the due date of the Administrative Costs from December 13, 2009 to December 14, 2009.

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

b. Abatement Liens

Alex Rojas from the Finance Department request that the Board approve the ten liens on the report with the exception of APN 477-30-100, 1823 Walker Court.

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

To remove APN 477-30-100, 1823 Walker Court and approve the remaining ten properties listed on the report.

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

e. **830 Willow Glen Way (429-25-015) Proposed Abatement**
(William Gerry, Inspector / Mohammed Hurani, Property Owner)

Code Enforcement Inspector William Gerry requested the Board approve the proposed abatement to remove the overgrown vegetation from the park strip and front and back yards.

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

To uphold the City's recommendation.

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

7. **Other Business**

Appeals Hearing Board Secretary Sandy Bouja stated that the Retreat is scheduled for February 11, 2010.

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 Williams adjourned the meeting at 7: 03 p.m. The next regular meeting will be held on Thursday, December 10, 2009, at 6:30 p.m., at the City Hall Council Chambers.