

SAN JOSE APPEALS HEARING BOARD MINUTES  
THURSDAY, DECEMBER 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: Chairperson Clark Williams, Commissioners Sonja Etienne, Jose Hernandez, Judy Jones, Troy Overton, Judy Parsons, Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney  
Michael Hannon, Code Enforcement Official  
Sandy Bouja, Appeals Hearing Board Secretary  
Luis Arevalo, Code Enforcement  
Peter Nwokolo, Code Enforcement  
Gwen Lum-Duffy, Code Enforcement  
Garry McLeod, Code Enforcement  
Greg Peacock, Code Enforcement  
Karl Van Gastel, Code Enforcement  
Jeff Rhoads, 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 Ruscigno, seconded by Commissioner Etienne, to approve the minutes of November 12, 2009.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

- a. **2474 Alfred Way (486-30-033) Summary Abatement**  
(Greg Peacock, Inspector / Larry & Elizabeth Holliman, Property Owners)
- b. **1712 Schulte Drive (254-09-078) Summary Abatement**  
(William Gerry, Inspector / Marina Parra-Jicalan, Property Owner)
- c. **280 Bonita Avenue (472-06-007) Summary Abatement**  
(Greg Peacock, Inspector / New Century Home Equity Loan, Property Owner)
- d. **1228 Palm Street (434-12-016) Summary Abatement**  
(Gwendolyn Lum-Duffy, Inspector / Deutsche Bank, Property Owner)
- e. **2716 Grandview Drive (592-07-024) Summary Abatement**  
(Gwendolyn Lum-Duffy, Inspector / Christina M. Hawthorne, Property Owner)

**f. 3331 Mt Vista Drive (647-10-034) Summary Abatement**  
(Gwendolyn Lum-Duffy, Inspector / First Federal Bank of California, Property Owner)

There were no separate discussions on hearing items regarding 2474 Alfred Way, 1712 Schulte Drive, 280 Bonita Avenue, 1228 Palm Street, 2716 Grandview Drive and 3331 Mt. Vista Drive. The hearing items were considered to be routine and were adopted in one motion.

There was a motion by Commissioner Jones, 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**

**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 November 17, 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 Williams, seconded by Commissioner Overton, 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.

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

**b. 1094 Vine Street (434-06-051) Administrative Remedy**

(Garry McLeod, Inspector / Beniti Guterrez & Maria D. Patino, Property Owners)

Code Enforcement Inspector Garry McLeod testified and gave a summary of the case for the subject property. Code Enforcement Inspector stated that as of today, December 10, 2009, there are no applications or permits on file for the subject property and the conditions remain the same.

Property Owners, Beniti Guterrez and Maria D. Patino were not present at the meeting.

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

To uphold the City's recommendation.

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

NAYS:

ABSENT:

**e. 2127 South 10<sup>th</sup> Street (477-27-030) Summary Abatement**

(Karl Van Gastel, Inspector / Michael Luu, Property Owner)

**f. 2139 South 10<sup>th</sup> Street (477-27-030) Summary Abatement**

(Karl Van Gastel, Inspector / Michael Luu, Property Owner)

**g. 2139 South 10<sup>th</sup> Street (477-27-030) Summary Abatement**

(Karl Van Gastel, Inspector / Michael Luu, Property Owner)

Code Enforcement Official Michael Hannon requested that the Board remove the three items regarding 2127 South 10<sup>th</sup> Street, 2139 South 10<sup>th</sup> Street and 2139 South 10<sup>th</sup> Street from the agenda. Code Enforcement Official Michael Hannon stated that the City has obtained a temporary restraining order to restrict the Property Owner, Michael Luu, from using the property.

Property Owner Michael Luu was present but did not speak at the meeting.

7. **Other Business**

Chair Williams congratulated Commissioner Parsons and Commissioner Etienne for being reappointed by the City Council to serve another three-year term on the Appeals Hearing Board.

Appeals Hearing Board Secretary Sandy Bouja confirmed that the Appeals Hearing Board Retreat would be held on February 11, 2010.

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

9. **Adjournment**

There was a motion by Commissioner Etienne, seconded by Commissioner Parsons to adjourn the meeting. Chair Williams adjourned the meeting at 7: 00 p.m. The next regular meeting will be held on Thursday, January 28, 2010, at 6:30 p.m., at the City Hall Council Chambers.