

MINUTES

GARDEN GROVE NEIGHBORHOOD IMPROVEMENT AND
CONSERVATION COMMISSION (NICC)

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

MONDAY
SEPTEMBER 8, 2008

CALL TO ORDER: A regular meeting of the NICC was called to order at 7:00 p.m. in the Council Chamber of the Community Meeting Center.

PRESENT: CHAIR SILVERBERG, COMMISSIONERS BAINTO,
BRAGGINS, FREER, HOROWITZ, NGUYEN
ABSENT: VICE CHAIR HANNA

ALSO PRESENT: Allison Mills, Senior Project Manager; Mary Ann Hamamura, Deputy Director; Sgt. Kevin Boddy, Police Department; Julie Ashleigh, Code Enforcement Officer; Monica Covarrubias, Administrative Analyst; and Nancy Ragen, Recording Secretary

PLEDGE OF ALLEGIANCE

Commissioner Horowitz led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Bainto moved to approve the Minutes from June 2, 2008, seconded by Commissioner Freer, and was carried with the following vote:

AYES: COMMISSIONERS: SILVERBERG, BAINTO, FREER
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: HANNA
ABSTAIN: COMMISSIONERS: BRAGGINS, HOROWITZ, NGUYEN

ORAL COMMUNICATION

None.

PUBLIC HEARING

Code Enforcement Abatement for 12241 Winton Street

Ms. Julie Ashleigh, Code Enforcement Officer, reviewed the code violations consisting of residential storage of inoperable vehicles, storage of debris, unpainted building, lack of proper landscaping and/or lack of proper landscape maintenance. A power point presentation comprised of chronologically dated photographs taken of the front and back yard of the property from April 2007 through September 2008 was given. Staff has not been successful in gaining voluntary compliance to correct the code violations on the property.

In reply to Commissioner Bainto's question, Ms. Asleigh responded complaints were received from neighbors regarding the condition of the home. The home has been in that condition for years, and they wanted something done about it.

Chair Silverberg opened the public hearing to receive testimony.

Mr. Dennis Toulin, resident at 5661 Huntley Avenue, approached the Commission. Mr. Toulin commented on the backyard, garbage left in front of the house, and that this situation has been going on for three years with many complaints made to the city. He commented that the neighborhood is well kept and the neighbors take pride in their homes.

Commissioner Freer asked if there was any odor associated with all that debris. Mr. Toulin stated he didn't know because he lives some 100 feet away from the property.

Ms. Asleigh introduced one letter and one email received from neighbors expressing their support in the abatement procedure.

Mr. Martin Gerson, property owner, approached the Commission. Mr. Gerson stated that he is in the process of filling out paperwork to obtain a senior grant in the amount of \$5000 from the city, and getting the required three estimates to have the house painted. He has been unable to make improvements on the house because of his limited income, his poor health, and numerous physical disabilities.

Commissioner Freer considered the trash a hazard to the neighborhood and asked the property owner why he could not remove the trash and place it in the trashcans. Mr. Gerson replied that he does take out the trash, but because of his health problems is able to do it a little at a time.

Chair Silverberg asked staff if the senior grant program could be used to hire a business to clean his house. Staff replied it would cover work performed by licensed contractors.

In reply to Commissioner Bainto's question, staff stated that the senior grant will only pay up to \$5,000 and then if the homeowner chooses to go forward with the work, he would have to pay the difference.

There being no further comments, the public portion of the hearing was closed.

Chair Silverberg felt that the Commission should give the property owner more than the 21 days, as recommended. Staff indicated that this case has been going on far too long; it's unacceptable to the citizens and immediate action needs to be taken on this case.

Commissioner Bainto accepted staff's recommendation of 21 days, stating that the property owner has had a lot of chances and this case has gone far too long.

Chair Silverberg inquired as to whether the property owner was clear what needed to be done within the 21-day period.

Staff replied that the city has sent numerous letters to Mr. Gerson regarding the condition of his property. The city attorney in charge of this case and the code enforcement officer have met and spoken with Mr. Gerson and, therefore, Mr. Gerson understands what needs to be done to bring this matter to a resolution.

Commissioner Nguyen asked if the property owner would still be eligible to receive the grant if the property was declared a nuisance. Staff answered that Mr. Gerson would still be eligible to receive the grant and has been for some time.

Commissioner Nguyen commented that perhaps it would be more cost effective for the city to give Mr. Gershon additional time to correct the violations than to prosecute him. Staff stated the city has already spent a great deal of money trying to get voluntary compliance. If the property is declared a nuisance, the homeowner will comply with the Commission's direction and resolution, monies will be made available, and he will resolve this problem.

Commissioner Braggins indicated that he was in favor of the resolution and felt that the recommended 21 days was a reasonable amount of time.

Commissioner Horowitz felt that there is not only a physical condition involved, but also a "hoarding condition" as well, a person's inability of throwing things away. She suggested the property owner contact outside services to help address some of these issues.

Commissioner Bainto moved, seconded by Commissioner Freer, that Resolution No. 06-08 be approved pursuant to the facts and reasons contained in the resolution; and authorize the Chairman to execute the resolution.

AYES: COMMISSIONERS: SILVERBERG, BAINTO, BRAGGINS, FREER, NGUYEN
NOES: COMMISSIONERS: HOROWITZ
ABSENT: COMMISSIONERS: HANNA

Commissioner Nguyen offered Mr. Gershon his personal assistance to remove the trash from his front porch and pay for the rental of a city dumpster.

MATTERS FROM STAFF

2007-08 Consolidated Annual Performance and Evaluation Report Review (CAPER)

The CAPER report was provided to the Commission for the purpose of transmission to City Council. This report shows the accomplishments and goals of the action plan with the HUD funds for the fiscal year July 1, 2007 through June 30, 2008.

Commissioner Bainto inquired about the installation of the pedestrian-activated crossing signal in the Sunnyside School neighborhood. Staff replied that the project is still funded and will be available when the project moves forward, and the design work will commence within the next couple of months.

Commissioner Freer moved to transmit the 2007-08 CAPER report to City Council, seconded by Commissioner Bainto. The motion carried with the following vote:

AYES: COMMISSIONERS: SILVERBERG, BAINTO, BRAGGINS, FREER, HOROWITZ, NGUYEN
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: HANNA

MATTERS FROM COMMISSIONERS

Commissioner Horowitz recommended that there be some kind of volunteer community based task force that uses the \$5000 grant to assist property owners of abatement cases. She suggested that the Commission take a different approach towards handling these issues, especially where there is debris, because at times it's due to mental illness rather than a homeowner who has lack of funds.

ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

NANCY J. RAGEN
Recording Secretary