



*Las Vegas*

Agenda Item No.: 71.

**AGENDA SUMMARY PAGE  
CITY COUNCIL MEETING OF: JULY 19, 2006**

**DEPARTMENT: NEIGHBORHOOD SERVICES  
DIRECTOR: STEPHEN HARSIN**

Consent  Discussion

**SUBJECT:**

**BEYANAH ITEM -** Public hearing to consider the report of expenses to recover costs for apartment vacant or abandoned building and assess civil penalties for the property located at 3120 Marine Bay Street. **PROPERTY OWNERS: CONGREGATION EPHRAIM ISRAEL -** Word 2 (Wolfsen)

**Fiscal Impact**

No Impact

Budget Funds Available

Augmentation Required

Dept./Division: Neigh. Services/Response

**Amount:** \$3,678.85

**Funding Source:** General Funding

**PURPOSE/BACKGROUND:**

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired C.H. Construction, LLC to remove refuse, waste, trash, debris, dead/dry/overgrown vegetation and post No Trespassing, No Dumping, No Vehicles signs on site. To date, there have been twenty-two (22) inspections conducted at this location. The value of the property based on the sale date of October 2004 was \$355,000.00.

**RECOMMENDATION:**

That the City Council: 1. Approve the report of expenses in the amount of \$3,678.85 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Notification Letter from City Attorney
8. Copy of the Notice and Claim of Lien

Motion made by STEVE WOLFSON to Hold in Abeyance to 8/2/2006

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Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1  
LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-LOIS TARKANIAN)

Minutes:

Video shown but not submitted.

MAYOR GOODMAN declared the Public Hearing open.

STEPHEN HARSIN, Director of Neighborhood Services Department, indicated that the case has been active since January 9, 2006 with a total of 22 site visits. The condition of the property was a public hazard and an attractive nuisance. Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Neighborhood Services hired C.H. Construction, LLC to remove trash and debris, overgrown vegetation and post No Trespassing, No Dumping and No Vehicle signs on the site. The value of the property based on the sale of October 2004 was \$355,000. Staff recently learned that the property was sold again and closed escrow on June 28, 2006. Given that the original Notice and Order was recorded on the property and the purchaser would be aware of the Notice and Order during escrow, staff recommended that the City Council move forward and approve the report of expenses in the amount of \$5,896.35; \$1,749 to C.H. Construction, LLC; \$435 in reinspection fees; \$262.35 in administrative fees and \$3,450 in civil penalties for the eight failed inspections.

In addition, the City Council may assess the daily civil penalty at \$500 a day for 21 days covering June 28 through July 19 totaling \$10,500 and that the above charges be filed and recorded against the property constituting a special assessment and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer's Office. Additionally, staff recommended that the Council order the cost outlined in the report of expenses be imposed as a personal obligation against Congregation Ephraim Israel and/or CLAUDE GUILLEMETTE, the previous owners of record, to provide the City with the flexibility of having the City Attorney's Office attempt to collect this debt as outlined in the Code against the previous owners.

MAYOR GOODMAN indicated that the amount being sought is different from the amount in the backup material, and that the City Council is being asked to impose personal liability, when it would appear that this is a religious congregation. DEPUTY CITY ATTORNEY DAN STILL explained that the memo dated June 30, 2006 from DEVIN SMITH, Manager of Neighborhood Services Department, to the City Clerk outlines the potential imposition of civil penalties per day. This item was stricken at the last City Council meeting so that it could be properly renoticed to address the civil penalty issue. By Code, the City Council has the authority to impose a personal obligation on the property owner or responsible party. In this case, the City Council is being asked that the personal obligation be toward the previous owner who sold the property while the City was trying to obtain compliance. The lien should be recorded based upon the Notice and Order that was of record at the Recorder's Office during this entire transaction.

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ATTORNEY JONATHAN HANSON stated he received an e-mail from the Congregation Ephraim Israel indicating that MS. BORELLI previously owned the property and that they got control of the property two weeks ago. He asked for a two-week abeyance in order to bring the entire property into compliance. MAYOR GOODMAN explained that if this matter is extended for two weeks, the civil penalties will continue to accrue. MR. HARSIN reiterated the costs and fees and COUNCILMAN WOLFSON noted the potential \$500 a day for 21 days, which is a total of \$10,500. MAYOR GOODMAN explained that if the Council were to take action on MR. HARSIN'S recommendation, a lien would be imposed upon the property at the time of sale.

ATTORNEY HANSON stated that a law suit was filed as to who had the title to the property. Eventually, that was settled and the Congregation obtained title two weeks ago. MR. HARSIN indicated that on June 28, 2006 the property went from Ephraim Israel to Family Trust.

COUNCILMAN WOLFSON asked DEPUTY CITY ATTORNEY STILL that if the City Council chose to accept staff's recommendation to impose the \$5,896.35 expense amount, in addition to the \$500 a day civil penalty fees, if that decision could be modified once additional information is received. DEPUTY CITY ATTORNEY STILL advised that it would be more prudent to hold the item in abeyance and make a decision in two weeks. He added he received a telephone call from a trustee for the family trust indicating that the property had been purchased from the Congregation Ephraim Israel. In addition, a Quit Claim Deed recorded on June 28, 2006 indicates this action. COUNCILMAN WOLFSON pointed out that the City has been dealing with this property since January 2006. Given the fact that ATTORNEY HANSON was not familiar with all the particulars, COUNCILMAN WOLFSON granted the two-week abeyance. He asked staff to meet with MR. HANSON and provide him with all the current information and give the property owner one more chance to comply with the City's request.

MAYOR GOODMAN declared the Public Hearing closed.