

CITY COUNCIL MEETING OF
June 4, 2008
VERBATIM TRANSCRIPT – ITEM 28

**ABEYANCE ITEM - Hearing to consider the appeal regarding Nuisance Notice and Order
Regarding Vacant Dangerous Building property located at 1500 Rancho Circle.
PROPERTY OWNERS: TELES ALLEN REVOCABLE TRUST – JACKSON JON A TRS
ETA – C/O J MILLER TRS - Ward 1 (Tarkanian)**

Appearance List:

OSCAR GOODMAN, Mayor
LOIS TARKANIAN, Councilwoman
VAL STEED, Chief Deputy City Attorney
JON JACKSON, Co-trustee for the Allen Teles Revocable Trust
GARY REESE, Mayor Pro Tem
DEVIN SMITH, Neighborhood Response Manager
LARRY BROWN, Councilman
DAN STILL, Deputy City Attorney
STEVE WOLFSON, Councilman
STEVEN D. ROSS, Councilman

43 minutes

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22 **MAYOR GOODMAN**

23 Item 28 is hearing to consider the appeal regarding Nuisance Notice and Order regarding vacant
24 dangerous building property located at 1500 Rancho Circle. The property owners are Teles Allen
25 Revocable Trust, Jackson Jon A TRS ETA, care of J Miller TRS, Ward 1.
26 Is this the – matter that we had before us at one time?

27

28 **COUNCILWOMAN TARKANIAN**

29 Yes, Your Honor.

30

31 **MAYOR GOODMAN**

32 Okay. All right. Mr. Smith. I should state for the record that my son, Ross, owns a piece of
33 property in this complex, but it's far enough removed that I don't believe that he will be affected
34 directly or any differently than any other member in the complex. I am not going to abstain. I'll
35 vote on this.

36

37 **COUNCILWOMAN TARKANIAN**

38 Mr. Mayor, if I might too and make a request of Counsel to be sure that this is appropriate for me
39 to vote on this at this time. My daughter also owns property there at some distance. I do not
40 think there will be a financial implication. Since then, however, she – now is on the board
41 which, since this item occurred, their board which used to meet, as I was told, once a year, is
42 now meeting more than that and they have revised the members. She's now on that board. So I
43 wanted to ask the Attorney if I can still vote on this. I don't think it would affect my
44 determination or objectivity, but I wanna be sure.

45

46 **VAL STEED**

47 When you talk about a board, what do you mean a board?

48

49 **COUNCILWOMAN TARKANIAN**

50 It's the Homeowners' Association Board.

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51 **VAL STEED**

52 Are they involved in this matter at all?

53

54 **COUNCILWOMAN TARKANIAN**

55 Are they involved in it now? I don't, they were not involved in it when this happened, but they
56 are involved since in what has happened, yes. Individual members of it are. I don't attend every
57 one of their meetings, so I don't know.

58

59 **VAL STEED**

60 Well, I don't think there's a direct impact so it's, depends on whether or not you feel you can be
61 objective considering the matter.

62

63 **COUNCILWOMAN TARKANIAN**

64 Well, I feel I can be objective because the reason of the original denial was based upon our
65 Code, just strictly that, on how we can give a Variance or not give a Variance. So I – will vote.

66

67 **MAYOR GOODMAN**

68 I say, I think the record should further reflect that at the time we heard this matter originally, we
69 asked the applicant, owner whether or not, based on our representations as to having associations
70 or relationships with people who lived in that complex or owned property in that complex,
71 whether or not he wanted us to abstain or to recuse ourselves. He indicated he had no objection
72 to us going forward. Okay. Is there –

73

74 **JON JACKSON**

75 I – just wanna make for the record, I do have objections.

76

77 **MAYOR GOODMAN**

78 What's your name?

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79 **JON JACKSON**

80 My name is Jon Jackson. I'm co-trustee for the Allen Teles Revocable Trust.

81

82 **MAYOR GOODMAN**

83 Okay. What's your objection?

84

85 **JON JACKSON**

86 My objection is that I don't believe, as far as Councilwoman Tarkanian, that her disclosure has
87 been accurate or complete. And my objection to you, Mr. Mayor, even though I would, you
88 know, appreciate you staying and I think you can be impartial, in response to this notice and
89 violation, which I will get into as we debate the merits of it, I believe that the Code is not being
90 properly enforced in the Rancho Circle neighborhood. And as a result, I did have complaints
91 filed with the Neighborhood Services Department that has issued notices and orders to other
92 residents in Rancho Circle, including your son.

93

94 **MAYOR GOODMAN**

95 All right.

96

97 **JON JACKSON**

98 And given that there could be –

99

100 **MAYOR GOODMAN**

101 Fine. That's fine. I'll abstain.

102

103 **COUNCILWOMAN TARKANIAN**

104 Could you just tell me what you think I've been inaccurate in disclosing because I thought I was
105 accurate.

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106 **MAYOR GOODMAN**

107 Beg your pardon.

108

109 **JON JACKSON**

110 Well, I –

111

112 **COUNCILWOMAN TARKANIAN**

113 I'm saying my daughter lives there.

114

115 **JON JACKSON**

116 Yeah.

117

118 **COUNCILWOMAN TARKANIAN**

119 I'm saying that the motion that I made was based upon, and I was very clear about that, the
120 interpretation from our Code on what can be a Variance or not a Variance. What have I not done
121 properly?

122

123 **JON JACKSON**

124 Well, there's quite a history and quite a story here to tell. And I would be happy, when we get
125 into the merits, to tell the story. That would give you the opportunity then, after you hear the
126 story, to decide at that time whether –

127

128 **COUNCILWOMAN TARKANIAN**

129 Okay.

130

131 **JON JACKSON**

132 – you would like to abstain.

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133 **COUNCILWOMAN TARKANIAN**

134 I know. Okay. Then we'll determine afterwards if I should abstain. I do want to know, please
135 don't bring –

136

137 **MAYOR PRO TEM REESE**

138 Well I feel, we need – excuse me, Mr. Steed, do you feel like we can go into this debate? And
139 then have her abstain after, or should we have that first? I – thought, I – wanna know whether
140 she's gonna have to abstain now, rather than later.

141

142 **VAL STEED**

143 Well, if she's not participating actively, I think she can wait until she has enough facts to decide
144 whether she needs to abstain.

145

146 **MAYOR PRO TEM REESE**

147 Is that –

148

149 **VAL STEED**

150 At that point, make that decision.

151

152 **COUNCILWOMAN TARKANIAN**

153 So at that point, by not participating accurately, I can't ask questions?

154

155 **VAL STEED**

156 You can ask questions, but as far as debating and reaching conclusions, I think it'd be better to
157 wait.

158

159 **COUNCILWOMAN TARKANIAN**

160 Yeah, I wouldn't debate or reach conclusions. My only concern is that information has been
161 given by this gentleman and the other person who occupies the home that I held a meeting with

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neighbors and that I was all involved which was not accurate whatsoever. The only time I talk with neighbors was after I was invited by the other individual involved, as the applicant, to look at the property which I did. While I was there, as neighbors drove by, a few of them stopped. I had no formal meeting whatsoever. The other inaccuracy that has been given is that I had the, or I saw the petition the day before and I had a copy of the petition before we had a vote and that's totally inaccurate. I never did, never had it in my hands, never did anything. So I just wanna say that on the record first and then I'll wait until later.

JON JACKSON

Maybe we should get into this because as you can see –

MAYOR PRO TEM REESE

Sir, I – think we better have Mr. Smith explain to us, again, what we're doing here today.

DEVIN SMITH

Okay. Mayor and Council, Devin Smith, Manager of Neighborhood Response. The purpose and background is that the subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 9 dealing with nuisances. A nuisance notice and order regarding vacant dangerous buildings was mailed to the property owner to correct the public nuisance as defined in Las Vegas Municipal Code 16.31. A copy of the notice was also posted on the property.

Today's hearing is to consider the appeal of the nuisance and order regarding vacant dangerous building filed by Jon Jackson, Trustee and responsible party. The recommendation is that the City Council approve the nuisance and order regarding vacant dangerous building.

And just for the record, Mayor and Council, as of yesterday, most of the violations have been corrected, and the property pretty much has been cleaned up. And what we're looking for at this point is for it to have a mitigation plan on the intent of the property, get the necessary permits to finish the started construction on the property and bring this house into compliance with the rest of the neighborhood.

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191 **MAYOR PRO TEM REESE**

192 Thank you.

193

194 **COUNCILWOMAN TARKANIAN**

195 Mr. Mayor Pro Tem –

196

197 **MAYOR PRO TEM REESE**

198 Yes.

199

200 **COUNCILWOMAN TARKANIAN**

201 I just wanted to say, I had wanted to stay to hear this because of the inaccurate information and I
202 was offended by that. I thought we should have accuracy, but I also feel it's better for this
203 Council if I did abstain. So I will abstain right now.

204

205 **MAYOR PRO TEM REESE**

206 Thank you. Okay. What was your name again, Sir?

207

208 **JON JACKSON**

209 Jon Jackson and I'm co-trustee for the Allen Teles Revocable Trust. As we started to get into,
210 this whole matter arises from a Variance request that we made for an eight-foot wall that came
211 before this Council on March 19th. I'm here to appeal the Notice of Order and Violation from
212 the Neighborhood Services Department, but I'm also here as a citizen of Las Vegas to ask why
213 the residents of Rancho Circle are not subject to the Municipal Code of Las Vegas, and to ask
214 why the residents of Rancho Circle are not subject to the State laws of Nevada and to ask why
215 Councilwoman Tarkanian acts above and outside the ethics rules that govern elected officials.

216

217 **COUNCILMAN BROWN**

218 Mayor Pro Tem.

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219 **MAYOR PRO TEM REESE**

220 Yes.

221

222 **COUNCILMAN BROWN**

223 With due respect to Mr. Jackson, to our legal counsel, if, I think he indicated he's here for the
224 report of expenses, but the two, three, four, five things he's listed, is that within our purview
225 today, to start hearing –

226

227 **VAL STEED**

228 Isn't it an appeal of a notice and order rather than, so he's entitled to be heard, but if you believe
229 that he's, if you believe that he's going off topic, you can certainly reign in the discussion.

230

231 **COUNCILMAN BROWN**

232 And – I – think part of, at least from what I'm getting, part of, perhaps argument is going to be
233 that people are being treated unfairly –

234

235 **MAYOR PRO TEM REESE**

236 Different –

237

238 **COUNCILMAN BROWN**

239 – in a neighborhood, or treated differently in a neighborhood. Does that pertain to addressing
240 specifically what he is here for his property?

241

242 **VAL STEED**

243 I don't believe so, but if you're, if you wanna listen to it, you can, but –

244

245 **COUNCILMAN BROWN**

246 Well, I –

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247 **VAL STEED**

248 – what really oughta happen is addressing the – outstanding issues that Mr. Smith talked about.

249

250 **COUNCILMAN BROWN**

251 And I – would just appreciate that. And I’m certainly willing to hear as much as you wanna talk

252 about, but –

253

254 **JON JACKSON**

255 Thank you.

256

257 **COUNCILMAN BROWN**

258 – let’s for, at least for my personal, or my perspective, let’s separate the two so I can focus in on

259 what we’re here for and then also listen to what you have to offer.

260

261 **JON JACKSON**

262 Sure. I think if you’ll hear me out, you’ll see that everything that I have to tell you is relevant to

263 why we are here. At, the background, this information is very necessary. While all of you as

264 Councilmembers were here on March 19th to hear the story as it was presented at that time, it

265 was not a fair and complete and accurate story. And the citizens of Las Vegas who might be

266 watching today and the very purpose we have the Open Meeting Law is so they understand the

267 background. If we were to jump immediately to discussing just the Notice of Order, I’m afraid

268 there’s a of lot of these issues that would not be understandable.

269 So, having said that, I will address why I’m hear today, but to give you the background

270 information that’s appropriate is that we were here on March 19th to appeal a unanimous decision

271 of the Planning Commission. And during that hearing, Lois Tarkanian, Councilwoman

272 Tarkanian, participated in that vote, but prior to the hearing, and what didn’t come out in that

273 hearing is that Councilwoman Tarkanian filed the appeal that brought it here and that was not

274 appropriate. And I believe it’s a violation of the ethics rules. The purpose of the ethics rules,

275 keep in mind, is to avoid –

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276 **COUNCILMAN BROWN**

277 Mayor Pro Tem.

278

279 **JON JACKSON**

280 – the appearance –

281

282 **MAYOR PRO TEM REESE**

283 Yes.

284

285 **JON JACKSON**

286 – of impropriety.

287

288 **COUNCILMAN BROWN**

289 Again, Mr. Jackson. This is fine, but I'd rather you address what's before us and then if you

290 want, and if the Council's willing to get into all that other stuff, but I don't – see the relationship.

291 It was a very public hearing.

292

293 **JON JACKSON**

294 But, well –

295

296 **COUNCILMAN BROWN**

297 And everyone was given the opportunity to, so –

298

299 **JON JACKSON**

300 Okay, then –

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301 **COUNCILMAN BROWN**

302 – specifically, if you'd like to address what's before us, but when you start talking about ethics
303 and one of my colleagues that's abstained here, I don't think that's relevant to why we're here
304 today. Now, it may be later on, if you wanna take further action down the road.

305

306 **JON JACKSON**

307 Okay.

308

309 **MAYOR PRO TEM REESE**

310 Well, Councilman –

311

312 **JON JACKSON**

313 Council –

314

315 **MAYOR PRO TEM REESE**

316 If – I could, I want – to get into what we're here for today.

317

318 **JON JACKSON**

319 Okay.

320

321 **MAYOR PRO TEM REESE**

322 And we –

323

324 **JON JACKSON**

325 I –

326

327 **MAYOR PRO TEM REESE**

328 We will discuss that and then if there's any other hearings we have to have, we can – have the
329 other hearings.

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330 **COUNCILMAN BROWN**

331 And Mayor Pro Tem –

332

333 **MAYOR PRO TEM REESE**

334 Yeah.

335

336 **COUNCILMAN BROWN**

337 I'll ask the City Council, am I asking too much for –

338

339 **VAL STEED**

340 No. The – item that he's talking about is a zoning item, is that correct? And that's done and
341 over with. We're talking here about a dangerous or an abatement under Title 9.

342

343 **COUNCILMAN BROWN**

344 Okay.

345

346 **VAL STEED**

347 And – that's what's at issue.

348

349 **JON JACKSON**

350 Now, let me point out that when we started this discussion about whether or not Councilwoman
351 Tarkanian had a conflict, I asked that I reserve my rights to speak to that conflict as I got into the
352 story and I was granted the opportunity to do so. So if now, we're going to circumvent my right
353 to state on the record the conflicts that Councilwoman Tarkanian has, then I wanna go back and
354 revisit that issue because I do think that I have a right to put on the record the conflict of interest
355 that Tarkanian, Councilwoman Tarkanian has. She has not properly disclosed today, on this
356 matter, and I would like to discuss her conflicts on this matter –

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357 **VAL STEED**

358 Let me just –

359

360 **JON JACKSON**

361 – on the Notice of Violation.

362

363 **VAL STEED**

364 Let me just say that the earlier conversation about letting you be heard was about the item on the
365 agenda, not about a zoning item.

366

367 **JON JACKSON**

368 That's not correct. I offered Councilwoman Tarkanian to hear me out and then make her
369 decision if she would like to abstain at that time, as I told her, rather than get into it. Now, I
370 would give her the opportunity to do it later. I would now like to take back the opportunity to
371 put on the record why Councilwoman Tarkanian's disclosure today is not complete. And I'm
372 going to, and I think once you hear this, you'll understand why her disclosure is not complete.

373 First off, we know that she didn't recuse herself from the hearing last time. She's done so this
374 time and that's appropriate. What she didn't disclose before, as I was getting into, was that she
375 is the person who made the appeal. The ethics rules require that you make disclosure at the time
376 you take action. The time she took action is when she appealed the decision of the Planning
377 Commission. She did not disclose that in the March 19th meeting. That March 19th meeting is
378 what led us here today and she did not disclose that again today.

379 The citizens of Las Vegas are entitled to know who made that appeal and they're entitled to
380 know who did not make the disclosure. Councilwoman Tarkanian today incorrectly and
381 inaccurately and deceptively told you that her daughter is now a member of a board and that this
382 happened after the March 19th meeting. In fact, Jodie Diamante, her daughter, also known as
383 Jodie Tarkanian, has been a member of the Board of Directors of the Rancho Circle
384 Homeowners' Association for some time now and was a member during the March 19th hearing.
385 It was not disclosed then. It was disclosed today, but it was disclosed inaccurately. Jodie

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386 Tarkanian has been a member of the Rancho Circle Homeowners' Association for a very long
387 time.

388 Second of all, she did not disclose that her daughter was on a record in opposition to the
389 Variance. At the Planning Commission, her daughter had filed a postcard. It was part of the
390 record. It was not disclosed.

391 Next, Councilwoman failed to disclose that she had in her possession a petition. She disputes
392 that she had the petition. The petition was part of the record. It has her daughter's name on it.

393 Next, she failed to disclose, now keep in mind that at issue here is compliance with Codes,
394 compliance with the law, and specifically at the March 19th issue, was about heights and
395 variations. Councilwoman Tarkanian didn't disclose to you that her daughter lives in a residence
396 that's a two-story home when all of the deed restrictions require a one-story home. So –

397

398 **MAYOR PRO TEM REESE**

399 Can we – go to the overhead, please.

400

401 **JON JACKSON**

402 Given the topic of –

403

404 **MAYOR PRO TEM REESE**

405 Just – a moment, please.

406

407 **JON JACKSON**

408 Sorry.

409

410 **MAYOR PRO TEM REESE**

411 Okay. Can you show us the picture you – got on the overhead right here, Sir?

412

413 **JON JACKSON**

414 Yes. This is the main residence right here. You got a swimming pool behind and –

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415 **MAYOR PRO TEM REESE**

416 I'll – this –

417

418 **JON JACKSON**

419 – an accessory structure.

420

421 **MAYOR PRO TEM REESE**

422 – in reference to where Mrs. Tarkanian's daughter lives.

423

424 **JON JACKSON**

425 At 330 Rancho Circle.

426

427 **MAYOR PRO TEM REESE**

428 And how close that is to the property that is being discussed here today.

429

430 **JON JACKSON**

431 It's approximately three properties away.

432

433 **MAYOR PRO TEM REESE**

434 Thank you.

435

436 **JON JACKSON**

437 And given that the topic of discussion was about heights and variations and setbacks, I think it
438 was appropriate that that be disclosed. Her daughter was actually in violation of covenants in
439 every deed in Rancho Circle which states you can only have a single story. Next, what was not
440 disclosed, is that her daughter has an accessory structure that violates the setbacks required in
441 Rancho Circle. Right there you can see an accessory structure that is built on the property line
442 and, in fact, its east wall is the wall of the property. Now given –

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443 **MAYOR PRO TEM REESE**

444 Now I –

445

446 **JON JACKSON**

447 – that we were talking about setbacks and heights –

448

449 **MAYOR PRO TEM REESE**

450 Excuse me – I can understand. This is not relevant to what we're here for today. We're here
451 about an Order of Nuisance and Abatement.

452

453 **JON JACKSON**

454 Okay. So what I'm pointing out to you is that Lois Tarkanian, the Councilwoman for my Ward,
455 did not accurately disclose her conflicts that she has –

456

457 **MAYOR PRO TEM REESE**

458 We – understand – that.

459

460 **JON JACKSON**

461 – on this matter. Okay. As, we'll have some further background that – precedes the issues in the
462 Notice and Order, but I will get into those as we go through the Notice and Order because I do
463 believe that the Notice of Order was improper and it – was made in haste and it was politically
464 motivated. And I think it's completely inappropriate to enforce certain Codes and certain laws in
465 Rancho Circle to some people and not enforce them to all the people. We can go through that
466 one-by-one. And again, there, will be necessary to refer back to some history so it can be
467 properly understood.

468 This Notice and Order was served very quickly after my denial of the Variance. It's relevant to
469 this discussion. It was a matter of a few weeks. And this Notice was served on my property to
470 correct. And this – notice is one step short of a complete and outright condemnation of this
471 property. It alleges dangerous building. It alleges vacant building. It requires mitigation plans.

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472 It was completely, complete overkill to what is going on. And to understand what was going on
473 in, on that property at the time this notice was served is that my co-trustee, Joseph Miller and I,
474 after all of the improprieties that had happened, some of which I have not been given the
475 opportunity to get into, decided to go ahead and fix up the house and put it up for sale and move
476 in a tenant. And in the process of doing these things, many of the items were actually cleaned up
477 before the Notice was served, but we weren't even given a chance or given time.

478 So going through them one-by-one, on the issue of refuse and waste, you have to remember, we
479 were in the process of installing a concrete block wall. It was one that was permitted. It was one
480 that was legal. The Planning Commissioner Margo Wheeler –

481

482 **MAYOR PRO TEM REESE**

483 Mr. – Jackson –

484

485 **JON JACKSON**

486 – went back on the record saying it was legal –

487

488 **MAYOR PRO TEM REESE**

489 I – need to interrupt again. Can you show us or submit a mitigation or rehabilitation plan on the
490 buildings that we had, the problem why we're here today? That's all I'd like to hear.

491

492 **JON JACKSON**

493 I did not bring a mitigation plan because I'm appealing the actual order. That order's not
494 effective as long as I have my rights of appeal. So no, I haven't brought a mitigation plan. I
495 don't think that's, one is necessary.

496

497 **MAYOR PRO TEM REESE**

498 Okay.

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499 **COUNCILMAN BROWN**

500 And Mayor Pro Tem –

501

502 **MAYOR PRO TEM REESE**

503 Yes.

504

505 **COUNCILMAN BROWN**

506 Mr. Jackson, we're gonna follow the Notice and Order dated April 9th, 2008.

507

508 **JON JACKSON**

509 That is correct.

510

511 **COUNCILMAN BROWN**

512 Case 64136. We going off the same?

513

514 **DEVIN SMITH**

515 Case 64136, yes.

516

517 **COUNCILMAN BROWN**

518 Thank you.

519

520 **JON JACKSON**

521 So on the refuse and waste issue which is the first item in that order, we were in the process of
522 installing a concrete wall. We were waiting to have approval of the Variance so we could
523 continue the concrete wall. Yes, we had crates and pallets of concrete block of the wall cladding
524 we were going to put on and – yes, some of them were covered with tarp. That's – what a
525 construction site looks like. Of course that was there. We were, we had a permit to build the
526 original wall. We have a permit now to build additional walls. The assertion made earlier that
527 we somehow need permits to do the construction we're doing, the only construction we're doing

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528 on the property has permits. There have been numerous complaints made with the Building
529 Department. I have to go down to the Building Department quite often and every time I go
530 down, they find in my favor because I do have valid permits and I do build according to Code,
531 and I do build things properly and I ask permission before I do things.

532 The irony here is what made the neighbors upset was that we built our wall before we built our
533 house. We were building that wall to protect the neighbors from having to see the mess that is
534 associated with construction. We're denied the opportunity to build that wall and to shield the
535 neighbors from construction mess and then they go in and they make a complaint about our
536 construction mess. The very reason we wanted to build the wall was to protect them from that.
537 We understand that construction projects are completely, they're very messy. And if you look at
538 the Code at which I was cited on, it states that construction materials are allowed on a property
539 as long as there is a building permit. I have a permit. I had a permit at the time the inspection
540 was made and I have a building permit now.

541 Other neighbors who are not cited for having construction refuse on their property were 701
542 Rancho Circle, 739 Rancho Circle, 745 Rancho Circle, 910 Rancho Circle, 1050 Rancho Circle
543 and the Rancho Circle Homeowners' Association community well association all have
544 construction debris and materials on their properties and has had for years. Mine, a matter of
545 weeks from the time the denial of the wall was made and this Notice of Order, made in haste,
546 was rushed and served on me.

547 An interesting comment was made by Pam Hines when she served the Notice of Order, you beat
548 me to it. By the time she served the Notice and Order, we had completed most of the things we
549 were in the process of completing. There was a dumpster on the property, old crates, old trash,
550 old refuse had all been put away. And Pam Hines applauded me for having done it. But I –
551 wasn't doing it because I was getting a Notice and Order. I was doing it because I was cleaning
552 up my property as a property owner who is no longer going to build a residence and was going
553 to, instead, lease out my home.

554 Let's move on to issue number two, the weeds and the turf. The colored weeds and I want to
555 read this exactly –

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556 **DAN STILL**

557 Council, I know you wanna stay focused on this and I just wanna put on the record, the only
558 thing that is before you today is the mitigation plan and the rehabilitation plan on this Notice and
559 Order. The other items that are listed there, as Mr. Smith stated in his opening statement, have
560 been corrected, so obviously you have the flexibility to listen to all of these issues about weeds
561 and construction debris, et cetera, but according to Mr. Smith and I'll let him speak for himself,
562 but I spoke with him yesterday and this stuff has been cleaned up and taken care of. So the focus
563 should be, of the presentation, should be mitigation plan, rehabilitation plan. Obviously if you
564 wanna hear about all these other extraneous matters, you're, you've got the discretion to do that.

565

566 **MAYOR PRO TEM REESE**

567 We – certainly don't need to do that. I asked if he had a mitigation plan, he said no.

568

569 **DAN STILL**

570 But that's the focus, he's, he – can argue why he does, doesn't think he needs one. And, you
571 know, Mr. Smith, or you can ask me questions and then you could make a decision as to whether
572 or not he needs to produce one or not produce one under these circumstances.

573

574 **JON JACKSON**

575 Well, with all due respect, I – am explaining to you why I don't think I need a mitigation plan. I
576 just stated that I was in the process of leasing the home in the first place and as I made this
577 appeal, I asked to come before this – body. And the appeal I made was to appeal the Notice of
578 Order in its entirety. You cannot hold against me now for having corrected problems by my own
579 free will and limit my right to appeal before this Council –

580

581 **DAN STILL**

582 That City –

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583 **JON JACKSON**

584 – I –

585

586 **DAN STILL**

587 The City Council certainly can limit the scope of the discussion if items in the Notice of Order
588 have been corrected. You are wrong. They can, in fact, limit it to rehabilitation plan, mitigation
589 plan, if the other items have been corrected. And Mr. Smith has stated that this has already been
590 repaired and corrected. So, that's an incorrect statement, Sir. I'm sorry.

591

592 **DEVIN SMITH**

593 Mayor and Council, if I may, I just wanted to reiterate what Mr. Still said. All the other items,
594 the refuse, waste, all that stuff has been cleaned up. All we're asking for under the vacant
595 dangerous building under Title 16 is that he prepare and submit to us a mitigation plan, letting us
596 know timelines and actions to be taken on the property so that we can be assured that we don't
597 have a construction site that remains a construction site for a period of years. And we have that
598 right under Title 16 to request him to submit a mitigation plan and would – notify me of the
599 intentions on the property, that he intends to complete it, sell it, demolish it, whatever he plans
600 on doing, that he gets all the necessary permits for the work that he's doing, continue forward to,
601 like I said, bring this property into compliance, so we don't have a construction site over the next
602 10 years.

603

604 **MAYOR PRO TEM REESE**

605 And I would ask our attorney. He has no plan, so where does that set us here today?

606

607 **DAN STILL**

608 We have the ability to order him to prepare a plan. It's a form. Neighborhood Services has a
609 mitigation plan form and a rehabilitation plan form that he could complete. Typically those are
610 due within 30 days. The Council could decide that, you know, he owes the City these plans so

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611 that – we understand what his intentions are with the property. And you can put whatever
612 timeline for delivery that – you think is reasonable for those plans.

613

614 **MAYOR PRO TEM REESE**

615 Well, I – would like to make –

616

617 **JON JACKSON**

618 Well, I –

619

620 **MAYOR PRO TEM REESE**

621 Any comments, questions –

622

623 **JON JACKSON**

624 I would like to address the mitigation plan issue because –

625

626 **MAYOR PRO TEM REESE**

627 Any comments or questions of the Board at this time?

628

629 **COUNCILMAN WOLFSON**

630 One, please.

631

632 **MAYOR PRO TEM REESE**

633 Yes.

634

635 **COUNCILMAN WOLFSON**

636 I just wanna make sure, procedurally I understand what's going on. The last meeting, Mr. Steed,
637 was – it March – 19th? And that's when the Council, upon motion, granted the City's request
638 and, technically, what did we do at that meeting?

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639 **MAYOR PRO TEM REESE**

640 Had him take the fence down.

641

642 **COUNCILMAN WOLFSON**

643 Pardon me?

644

645 **MAYOR PRO TEM REESE**

646 Had him take the fence down.

647

648 **COUNCILMAN WOLFSON**

649 I mean, technically, what was the – upon the unanimous motion?

650

651 **VAL STEED**

652 It was a denial of a Variance request. I don't know what the nature of the variance request was.

653

654 **MAYOR PRO TEM REESE**

655 For a fence.

656

657 **COUNCILMAN WOLFSON**

658 Okay. And then since the, you have filed this Nuisance Order, is that right?

659

660 **DEVIN SMITH**

661 What happened was at some time between his appeal and the zoning and the whole thing, the

662 property was in a state of disarray. There was all kinds of, there was a little travel trailer parked

663 on there, on a, I actually have some pictures, if you'd –

664

665 **COUNCILMAN WOLFSON**

666 Yeah, we have those pictures –

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667 **DEVIN SMITH**

668 Okay.

669

670 **COUNCILMAN WOLFSON**

671 I've seen them.

672

673 **DEVIN SMITH**

674 Furniture had been placed outside. It wasn't just construction debris. There was a small travel
675 trailer that was set on a trailer and just parked in the front yard, the weeds, trash, debris. So we
676 are complaint-based, complaint-driven department. We get complaints, we go out, we address
677 the complaint.

678 At that point, we went out, saw the violations on the property, we issue a Notice and Order. A
679 Notice and Order is basically just, you need to correct these violations. If you don't correct them
680 –

681

682 **COUNCILMAN WOLFSON**

683 That's my point. That's the only thing we're deciding right now is this gentleman, Mr.
684 Jackson's appeal of – that order. Is that right?

685

686 **DEVIN SMITH**

687 Correct.

688

689 **COUNCILMAN WOLFSON**

690 Everything else, I mean, I – respect your abilities and what you're trying to do, but we are just
691 here to hear the one limited, focused issue of your appeal of that nuisance order.

692

693 **JON JACKSON**

694 That's correct. And contained in those nuisance orders are the various violations which were
695 just brought up again. And I feel I should have a right to respond to those. That's what's in this

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696 Notice of Order. The mitigation, I didn't appeal the mitigation plan. I appealed the Notice of
697 Order. I don't think the Notice of Order was – accurate. I don't think it was fair. And I'm
698 asking the City Council to dismiss the entire Notice of Order. If the Notice of Order is
699 dismissed, no mitigation plan is necessary. The, whether a mitigation plan is necessary is not
700 right for discussion of this Board because if you vote with me, it dismisses. If you vote against
701 me, then the Order goes into effect and according to the Notice, I then have the 15 days in order
702 to comply. So while the City can vote and say, well, we're going to uphold the Notice of Order
703 and we're going to require a mitigation plan, that just puts the Notice of Order into effect and
704 then I have 15 days to comply with it. The mitigation plan is not right to be –

705

706 **MAYOR PRO TEM REESE**

707 Why –

708

709 **JON JACKSON**

710 – voted on.

711

712 **MAYOR PRO TEM REESE**

713 Why was this Order inaccurate?

714

715 **JON JACKSON**

716 I – was in the process of telling you what it was inaccurate and – I would like to complete it. I
717 would like to go through each item –

718

719 **MAYOR PRO TEM REESE**

720 Mr. – Smith –

721

722 **JON JACKSON**

723 – in this Notice of Order –

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724 **MAYOR PRO TEM REESE**

725 – says it's – all been taken care of.

726

727 **JON JACKSON**

728 Well, I spoke to Pam Hines last night by telephone and she told me that she's still getting
729 complaints about the weeds on the property and, in fact, he just brought up the weeds issue. And
730 I would like to respond to that.

731

732 **MAYOR PRO TEM REESE**

733 I, is there still weeds out there?

734

735 **DEVIN SMITH**

736 Most of the weeds have been, or actually, all of the weeds have been corrected. And as you
737 know, if you don't stay on top of them, they're going to continue to grow back. At this point, we
738 don't believe that they meet the eight-inch requirement by the City, but if they go to the eight to
739 10-inch to 12-inch, we will then again, issue him another notice that he needs to correct the weed
740 violation. At this point, everything has been brought into compliance, except for the one
741 remaining Notice of Intent of the property on what he plans on doing and timelines he plans on
742 completing them.

743

744 **MAYOR PRO TEM REESE**

745 Yes.

746

747 **COUNCILMAN BROWN**

748 Counsel, explain procedurally for me, it's – referenced in the backup that in accordance with
749 Chapter 16.31, submit within 60 days a mitigation and rehab plan. What triggers that in our
750 Code? The fact that we have issued a Notice and Order? Or can we go out to any vacant
751 building that looks nice, but we're not sure what's happening and ask for a mitigation and rehab
752 plan.

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753 **DAN STILL**

754 Actually, either, or. In this case, it arose out of the Notice and Order, based upon their
755 investigation of the underlying nuisance complaint. When they went out there, they discovered,
756 and correct me if I'm wrong, Mr. Smith, but discovered that the building was vacant and then
757 wanted to find out, you know, pursuant to 16.31, what the intent of the owner was. And it's a
758 very common practice, I mean, it's not something we, something we do regularly.

759

760 **COUNCILMAN BROWN**

761 So we issued a Notice and Order and regardless of the debate on timing of it, Mr. Smith has
762 indicated all those that are referenced in our April 9th correspondence have been mitigated.

763

764 **MAYOR PRO TEM REESE**

765 Yes.

766

767 **COUNCILMAN BROWN**

768 So we're past that, we stipulate that. Now we're being asked to address, specifically, a plan that
769 needs to be submitted within 60 days.

770

771 **DAN STILL**

772 Yes.

773

774 **COUNCILMAN BROWN**

775 Okay, so –

776

777 **JON JACKSON**

778 Now, I'm going to address that because I haven't, I, you are correct. The City had a right to
779 serve me that Notice of Order, the timing is not relevant. But I have due process rights, in
780 relation to the procedural aspects that this City government operates on. And one of those due
781 process rights is my right to appeal. And in that Notice of Order, it clearly states that I have a

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782 right to appeal to this Council the Notice of Order. I've exercised my right and now I'm asking
783 you to please let me be heard.

784

785 **COUNCILMAN BROWN**

786 But you, your, so I understand it, it's wonderful when we start talking legalese, but are you
787 appealing the request of you to submit a plan? Or are you appealing the original Notice and
788 Order?

789

790 **JON JACKSON**

791 The original Notice and Order –

792

793 **COUNCILMAN BROWN**

794 And that's not agendaed (sic).

795

796 **JON JACKSON**

797 – and that's very clear.

798

799 **COUNCILMAN BROWN**

800 We were told that's not what we're considering.

801

802 **JON JACKSON**

803 The agenda reads, it's an appeal of the Notice of Order.

804

805 **COUNCILMAN BROWN**

806 We were instructed earlier we're not address, you may be right. But let's clarify for the record.

807

808 **MAYOR PRO TEM REESE**

809 (inaudible)

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810 **COUNCILMAN BROWN**

811 I understand, no, I understand that. But if he's saying he doesn't even want to get to the
812 mitigation plan because he's appealing the Notice and Order, even though he's taken care of the
813 Notice and Order. Legally, what do we –

814

815 **DAN STILL**

816 Well, he hasn't taken care of the Notice and Order because part of the Notice and Order includes
817 the mitigation and rehabilitation plan. It's in, it's contained within the Notice and Order. He's
818 completed all of the other items in the Notice and Order.

819

820 **COUNCILMAN BROWN**

821 Okay.

822

823 **DAN STILL**

824 So that's the focus, should be the focus.

825

826 **COUNCILMAN BROWN**

827 So then his –

828

829 **DAN STILL**

830 That's what you've got to decide. Let's put it that way. You can hear whatever you think is
831 important.

832

833 **COUNCILMAN BROWN**

834 Okay. His appeal then is for everything, it's just not those that he's finished and the one that he
835 hasn't finished. He's appealing the original intent of the City to do that. Is that right, Mr.
836 Jackson?

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837 **JON JACKSON**

838 That is exactly correct.

839

840 **COUNCILMAN BROWN**

841 Okay.

842

843 **JON JACKSON**

844 And I am very offended that there seems to be the subtle attempt to not let me be heard. And I
845 think if you hear me out, again, please –

846

847 **COUNCILMAN BROWN**

848 And I – take offense at the subtle insinuations that you stepped up to the mike and started with
849 the whole ethics about my colleague who's not here to defend herself. So let's get that past, let's
850 get that past us.

851

852 **JON JACKSON**

853 Then let's be heard.

854

855 **COUNCILMAN BROWN**

856 Let's, we will be heard, specifically, on what is being addressed now. So don't talk about subtle
857 insinuations. That's just not fair. It's a two-way street.

858

859 **JON JACKSON**

860 I understand that.

861

862 **COUNCILMAN BROWN**

863 All right.

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864 **JON JACKSON**

865 Now, I would like to continue talking about the Notice of Order, since that is what I appealed, if
866 that –

867

868 **MAYOR PRO TEM REESE**

869 And, again, what you're talking about has already been taken care of.

870

871 **JON JACKSON**

872 And so you're going to hold against me, as a good citizen of this, of Las Vegas –

873

874 **MAYOR PRO TEM REESE**

875 Well –

876

877 **JON JACKSON**

878 – that I do my duty and I take care of things on my property and now (inaudible) –

879

880 **MAYOR PRO TEM REESE**

881 All you have left is the submittal plan.

882

883 **JON JACKSON**

884 No, that's –

885

886 **VAL STEED**

887 Councilman Reese.

888

889 **MAYOR PRO TEM REESE**

890 Yes.

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891 **JON JACKSON**

892 I –

893

894 **VAL STEED**

895 Let me – suggest, if we were in court and you were the judge, the judge would say, I only want
896 to hear things that are still at issue.

897

898 **MAYOR PRO TEM REESE**

899 That's what I'm trying to do.

900

901 **VAL STEED**

902 Things that have been corrected are no longer at issue. He gets no more protection here than he
903 would in court and the judge would not listen to anything he's saying, other than the Notice and,
904 other than the mitigation thing that's still at issue.

905

906 **MAYOR PRO TEM REESE**

907 Understood.

908

909 **JON JACKSON**

910 Well, I'm going to address the mitigation issue, but I, again, put on record my objection that I'm
911 not allowed my due process to address what I appealed and came before the Council today. On
912 the mitigation plan that relates to the dangerous building citation and the vacant building
913 citation, on the dangerous building and I spoke with Pam Hines, who is the supervisor and who
914 has been nothing but friendly on the resolution of this matter, as to why you would classify my
915 building as dangerous. I was told that what made my building dangerous was the window that
916 was open on the south side. That window is attached to the garage and that is what made my
917 building dangerous. And that is what is triggering a mitigation plan which I believe is
918 completely unnecessary. And that is what triggered this entire Notice of Order that was one step

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919 short of condemnation. An open window, it's approximately 24-inches by 18 inches and it was
920 open. And that was why my building was classified as dangerous.

921 Now, I wanna compare that to a situation and how it was handled by Neighborhood Services for
922 some electrical cords that were draped across the roadway and into the guard shack by my
923 neighbor to the south. That neighbor, of a very dangerous situation, the draping of electrical
924 cords across the property, was given seven days verbal notice to correct the problem or she
925 would be given a written citation. Where was the seven days notice for me to simply close my
926 window? I needed five minutes. So when you say that this related, to the mitigation plan, hasn't
927 been corrected, there hasn't been a mitigation plan and again, I'm appealing the entire notice.
928 And I'm saying a mitigation plan, as part of this Notice, needs to be dismissed because my
929 building is not dangerous. I have corrected that issue in the same way I've corrected the weeds
930 issue. It took me all of five minutes, less than five minutes to go in and close the window on the
931 south part of my property.

932

933 **MAYOR PRO TEM REESE**

934 Thank you, Sir. Just a second. Mr. Smith, you wanna address that, please.

935

936 **DEVIN SMITH**

937 When we go out to a property, it's not necessarily just the open window, the term's come up
938 before – this Council, attractive nuisance, when a property is left in disarray, open doors or
939 windows, where a child or somebody could get inside and possibly cause harm to themselves, it
940 could be an empty swimming pool, it could be a large hole in the yard that's not fenced off, any
941 of those things we would classify as an attractive nuisance. When we go out to a property and
942 the building is not occupied and has no occupant living in it, it falls under the Title 16 which is
943 under vacant and abandoned buildings. Under that, this property was deemed to be an attractive
944 nuisance, that's why the Notice and Order was issued. The window being open, broken, all that
945 is – if the window was broken, they need to secure it. If the door's open and accessible, it needs
946 to be secured. Whether they put new glass in, whether they put bars over it, the window was not
947 the only issue here, the whole property in itself was what the issue was.

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948 **MAYOR PRO TEM REESE**

949 So –

950

951 **JON JACKSON**

952 And what was the other issue besides the window?

953

954 **DEVIN SMITH**

955 The trash, debris, the trailer on the property, the furniture outside, just numerous things and just
956 for the record, when – this first started, we actually did contact him and give him notice of these
957 things. When no corrective action is taken, at that point, that's when we issue the Notice and
958 Order so that it's on record and it's filed and it comes before this Council that there was a
959 problem, if we have to end up going to mitigation, that was filed with the Recorder's Office that
960 the Notice was given so the legalities of what we do when we go into mitigate a property, we
961 have followed all of our statutory requirements. So our first response is always to give
962 somebody a correction notice, whether it's verbal. Then it goes to a written correction notice.
963 When they don't come into compliance or we start getting resistance from that person, that's
964 when we issued the Notice and Order so that all of our legal bases are covered at such time, if we
965 need to move forward with the mitigation or an abatement of a property. So everything that we
966 have done is common with our practice of how we do business.

967

968 **COUNCILMAN BROWN**

969 So –

970

971 **COUNCILMAN ROSS**

972 Mayor Pro Tem –

973

974 **MAYOR PRO TEM REESE**

975 Yes.

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976 **COUNCILMAN ROSS**

977 I'm just gonna lose it here in a minute. Partner, your property looks like crap. It needs to be
978 cleaned up. Just clean it up. Why are we even talking about this? No disrespect to you, but
979 you're making the neighborhood look terrible. If you're working on it, build it. Get it done.
980 I'm a little familiar with construction sites. That's not a construction site. It's a dump. You
981 need to clean it up. Regardless of what the legalities are, just do what the City is asking you to
982 do and get over with this.

983

984 **JON JACKSON**

985 With all due respect, Councilman Ross, as Mr. Smith told you, I have already cleaned up the
986 property. And in response to Mr. Smith's allegation that they contacted me before serving the
987 Notice and Order, that's not correct. The first time that the Neighborhood Services contacted me
988 was when they served the Notice and Order. There was not any verbal warning given
989 whatsoever. And I note that Mr. Smith wants to tell you that the mitigation plan and the
990 requiring, that this is a dangerous building, extends beyond the window. And what he cites
991 when he says it extends beyond the window, he says it's all the other things in the Notice of
992 Order. All those other things I'm not allowed to talk about, the furniture, which have been
993 removed, the weeds, which have been removed, the trash, which has been removed. The
994 property has been cleaned up. But you see, Neighborhood Services wants it both ways. They
995 want to take the position that all the things that they've cited in the Notice of Order are what
996 make this building dangerous, but then they don't want me to talk about anything but the
997 mitigation plan. If – the Notice of Order, if that dangerous building exceeds anything beyond
998 that window, we're not talking bars, we're not talking broken glass. It was one window and it's
999 been closed. If it goes beyond that, I'd like the – opportunity to address it.

1000

1001 **DEVIN SMITH**

1002 Mayor and Council, if I may, the first conversation we had was with this gentleman and that was
1003 on 4/2 of 2008. He advised us that he was suing the City of Las Vegas and that we needed to
1004 talk to Brad prior to issuing anything. We talked to Mr. Jerbic and he advised us to move

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1005 forward as we would with any other property. And at that point, because we saw the resistance
1006 that we were gonna have with this property, we did just like we would with any other property,
1007 issued a Notice and Order to correct the violations. So the first conversation we had was
1008 controversial to begin with, on the second, when he told Pam Hines and my senior officer that he
1009 was going to sue the City, so we got legal counsel. We asked Mr. Jerbic what our procedure
1010 should be, if there was any special circumstances that we should know about, he said to move
1011 forward as we would with any other property.

1012

1013 **MAYOR PRO TEM REESE**

1014 Okay. I – wanna say, ask you, Mr. Smith, is, on this re-submittal plan, is there anything else to
1015 that bill, he's got everything else taken care of, according to you.

1016

1017 **DEVIN SMITH**

1018 Correct. And we're gonna ask –

1019

1020 **MAYOR PRO TEM REESE**

1021 Okay.

1022

1023 **DEVIN SMITH**

1024 – him to continue to keep the property in –

1025

1026 **MAYOR PRO TEM REESE**

1027 Okay. So all we need then is, is there anything else to the building? Now, everything else has
1028 been cleaned up, so with the building that we have out there, what else does he need to do to
1029 bring that into – conformation?

1030

1031 **DEVIN SMITH**

1032 Just submit a letter of intent to – my department that we would approve, so we know, going
1033 forward, what his intent is with the property and to complete the project, you know, with all the

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1034 necessary permits, with whatever's gonna be done to that property, we need – to know and what
1035 type of timelines we need to know about.

1036

1037 **MAYOR PRO TEM REESE**

1038 Okay. My, I'm gonna make a motion that we follow that recommendation, that we ask Mr.
1039 Jackson to bring back to the City on the 18th, this submittal plan, so we can put it on file
1040 with Mr. Smith. Are there any questions on the motion? Hearing none, please cast your vote.
1041 Please post. **(Motion carried unanimously with GOODMAN and TARKANIAN**
1042 **abstaining.)** Motion carries.

1043

1044 **DEVIN SMITH**

1045 And just for the record, I got a copy of everything he needs to submit right here, so I'll go ahead
1046 and give it to him. So he doesn't even need to –

1047

1048 **JON JACKSON**

1049 And just for the record, the – house has been leased. It has a tenant in it and everything is fine.

1050

1051 **MAYOR PRO TEM REESE**

1052 Just put that on there and bring it here. Bring it back.

1053

(END OF DISCUSSION)

1054 /cv;lc