



*Las Vegas*

Agenda Item No.: 35.

**AGENDA SUMMARY PAGE  
CITY COUNCIL MEETING OF: APRIL 1, 2009**

**DEPARTMENT:** NEIGHBORHOOD SERVICES  
**DIRECTOR:** STEPHEN KUHARSIN

Consent  Discussion

**SUBJECT:**

Public Hearing to consider the report & expenses to recover costs for abatement of dangerous building demolition located at 513 N 13th Street in the amount of \$6,711 (General Fund) and assess a maximum of \$150,050 in daily civil penalties. PROPERTY OWNER: 513 N 13 LLC  
C/O MICHAEL A. DEMICH and 513 Barlow

**Fiscal Impact**

- No Impact
- Budget Funds Available
- Augmentation Required

**Amount:** \$6,711  
**Funding Source:** General Fund  
**Dept./Division:** Neighborhood Services/Response

**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 Levelx Inc. On August 19, 2008, an asbestos survey was conducted by CamAir. To date, there have been thirteen (13) inspections conducted at this location. The value of the property based on the sale date of December 2005 was \$230,000.

**RECOMMENDATION:**

That the City Council: Approve the report of expenses to include \$4,575 invoice for Levelx Incorporated services and \$525 invoice for CamAir asbestos survey in addition to other fees assessed for a total of \$6,711 and consider assessing a maximum of \$150,050 in daily civil penalties.

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosures
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Submitted after Final Agenda Waiver of Civil Penalties Letter by Michael A. Demich

Motion made by RICKI Y. BARLOW to Approve an assessment of \$6,711

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN,  
GARY REESE, STEVEN D. ROSS, DAVID W. STEINMAN; (Against-None); (Abstain-None);  
(Did Not Vote-None); (Excused-None)

## CITY COUNCIL MEETING OF: APRIL 1, 2009

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

DEVIN SMITH, Manager of Neighborhood Response, read the Purpose/Background and Recommendation sections.

A videotape was shown, but a copy was not submitted.

COUNCILMAN WOLFSON observed that the backer documentation included a notation referencing a \$500 payment from the property owner. MR. SMITH stated that his records showed no indication that the \$500 payment had been made. MAYOR GOODMAN also noted the letter sent by the applicant to the City Clerks Office on March 31, 2009, at approximately 3:45 p.m., requesting that the civil penalties be waived. CITY CLERK BEVERLY BRIDGES stated the letter had been forwarded to the Council in the afternoon of March 31, 2009.

LYNETTE MARTIN, San Diego County, appeared on behalf of one of the partners of 513 N. 13 LLC. She requested that the civil penalties be waived because the property owner had made every effort to work with the City to address this property issue. She explained that it was cheaper for the City to demolish the building than the property owner and expressed the property owners willingness to pay for the demolition costs.

MR. SMITH noted that the City had been sending certified letters and emails to the property owner starting January 2008 with the most recent correspondence in February 2009. MS. MARTIN explained that she lives in San Diego and described the difficulties in taking care of this property from another state. She added that the property owners partner in Las Vegas, LIZ THOMPSON, had failed to take care of the property. MR. SMITH stated the total cost of abating the property was \$6,711 with \$4,575 for Levelex Incorporated services and a \$525 invoice for the CamAir asbestos survey, in addition to other City fees.

COUNCILMAN ROSS observed that City staff had taken 101 actions on this property, which had cost Las Vegas taxpayers a significant amount of money. When MS. MARTIN stated that the owner owed more on the property than it was worth, COUNCILMAN ROSS pointed out that the financial position of the property owner was not the issue.

COUNCILMAN WOLFSON asked MR. SMITH if property owners might have a reasonable reliance on the City to demolish and they will pay the fees after the demolition. MR. SMITH explained that the demolition process had been halted after the property owner began making efforts to address the property. Staff did not want to demolish the building if the property owner was working on the property. COUNCILMAN WOLFSON observed that the delay in the demolition was the result of miscommunication on the property owners part.

MAYOR GOODMAN declared the Public Hearing closed.