



Las Vegas

Agenda Item No.: 60.

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF JANUARY 20, 2010

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN KUHARSIN

☐ Consent ☒ Discussion

SUBJECT:

BEYANT ITEM - Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 2713 Pile Water Court in the amount of \$3,647 (General Fund) and assess a maximum of \$50,050 in daily civil penalties. **PROPERTY OWNER: BANK NEW YORK MELLON** (Ward 2 (Wolfson))

Fiscal Impact

☐
☐

No Impact

Budget Funds Available

☐ Augmentation Required

Amount: \$3,647

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 Regency Design & Landscaping to remove all dead vegetation and high weeds from all areas of the property, and secure open side gate to rear yard. To date, there have been eight (8) inspections conducted at this location. The value of the property based on the sale date of August 2009 was \$318,199.

RECOMMENDATION:

That the City Council: Approve the report of expenses to include \$500 invoice for Regency Design & Landscaping services in addition to other fees assessed for a total of \$3,647 and consider assessing a maximum of \$50,050 in daily civil penalties.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Rescheduled Hearing Notice

Motion made by STEVE WOLFSON to Approve an assessment of \$3,647 with no civil penalties and direction to record the lien on 1/29/2010 if payment is not received

CITY COUNCIL MEETING OF: JANUARY 20, 2010

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN)

Minutes:

MAYOR PRO TEM REESE 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 explained that two weeks ago he requested MR. SMITH contact the bank because he was concerned about maintenance of the property during the abatement process.

PATTY KELLY, Realtor with Kelly and Associates, 2770 Burnside Road, Unit 2, represented Bank New York Mellon. She indicated that she made contact with LISA MORRIS HIBLER, Deputy Director of Neighborhood Response, and she advised COUNCILMAN WOLFSON that staff should receive a check in the amount of \$3,647 on 1/21/2010. Payment was delayed due to internal bureaucracy. The property is in escrow and the new buyer is going to occupy the property. MS. KELLY requested the civil penalties be waived.

MR. SMITH informed COUNCILMAN WOLFSON that his staff visited the site the previous week and found the property in the same condition. He requested authorization to record the lien immediately, should the Council assess any fees.

COUNCILMAN WOLFSON consulted with DEPUTY CITY ATTORNEY DAN STILL regarding his options on the recordation of the lien.

TODD FARLOW expressed concern about not imposing any civil penalties on the banks when they are responsible for the state of the economy, yet they continue to give substantial bonuses and receive assistance while the City is forced to lay off staff. COUNCILMAN WOLFSON empathized with MR. FARLOW, but explained that a representative of the bank showed up in good faith, which he had to take into consideration. What matters is that the property will no longer be a nuisance to the neighbors.

COUNCILMAN ROSS adamantly stated that the Council has to be stern with the banks. It is frustrating to see such lack of cooperation on behalf of corporate America.

See Item 58 for related discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed by way of requesting a vote.