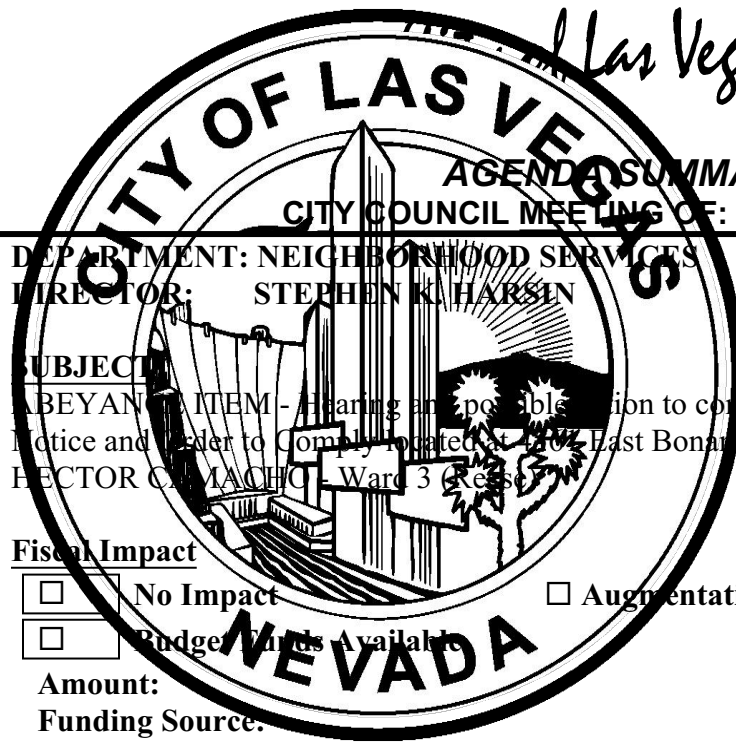




Las Vegas

Agenda Item No.: **61.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 4, 2010

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN KUHARSIN

☐ Consent ☒ Discussion

SUBJECT: BEYANCA ITEM - Hearing an appeal to consider the appeal regarding Nuisance Notice and Order to Comply located at 404 East Bonanza Road. PROPERTY OWNER: HECTOR CAMACHO - Ward 3 (Resident)

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Title 9, dealing with nuisances. A Nuisance Notice and Order to Comply was mailed to the property owner to correct the public nuisance as defined in Las Vegas Municipal Code, Title 9.04.010 dealing with nuisances; City of Las Vegas Fire Code Ordinance 5667; 19.04.010 Auto Repair Major; 19.04.010 Auto Repair Minor; 19.14.030 Prohibited Signs; 19.14.090 Special Event Signs; 9.040.010 (5) Zoning Violation; 9.040.010 (6) Illegal Business; 9.040.010 (7) (C) Graffiti; 9.040.010 (7) (A) High Vegetation; 9.08.040 Litter/Depositing; 9.08.100 Litter/Container Placement; 9.08.210 Mandatory Service; and Uniform Administrative Code 301.1 Permits Required. A copy of the notice was also posted on the property. Today's hearing is to consider the Appeal to the Nuisance Notice and Order to Comply filed by Hector Camacho, owner and responsible party.

RECOMMENDATION:

That the City Council approve the Nuisance Notice and Order to Comply.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Maps
3. Nuisance Notice and Order to Comply
4. Appeal Letter from Appellant
5. Notice of Appeal
6. Report by Devin Smith
7. Supporting documentation submitted by Hector Camacho
8. Submitted at Meeting Property Photos by Staff

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Motion made by GARY REESE to Deny the appeal, thereby approving the Nuisance Notice and Order to Comply, subject to a 60-day review, the trash enclosure be repaired within 30 days and the trash be collected

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, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

DEVIN SMITH, Manager of Neighborhood Response, read the Purpose/Background and Recommendation sections and provided a list of Municipal Code violations for this property.

HECTOR CAMACHO, 1501 South Maryland Parkway, and CHANO CASTILLO were present. MR. CAMACHO requested this matter be held in abeyance and submitted documentation, which he indicated had also been submitted to DEPUTY CITY ATTORNEY DAN STILL. The documentation MR. CAMACHO submitted was subsequently turned to him during the course of the meeting and not included in the backup.

After reviewing the documentation, CITY ATTORNEY KEBBIC stated that it appears to be a complaint from MR. CAMACHO alleging that the City has not complied with the public records law in the State of Nevada as articulated in NRS 239. However, it has no bearing on this hearing, unless the Council believes that MR. CAMACHO has been deprived of documents that he could have used in his defense.

DEPUTY CITY ATTORNEY STILL interjected that Neighborhood Services made copies of 300 pages of documentation requested by MR. CAMACHO, but he did not want to pay the \$1 per page fee, so he sorted through the documentation and only took approximately 35 pages. MR. CAMACHO also made a request to the fire department, which, in the notice and order, indicated that there are no fire issues currently outstanding at the property. The fire department did issue MR. CAMACHO a letter instructing him on what steps he would have to take to obtain the records, which really have nothing to do with this appeal.

The final portion of the Notice and Order that the records request may relate to is a request for Business Services records. However, in conferring with MR. DiFIORE, he indicated that MR. CAMACHO'S request was received 8/3/2010, but Business Services does not have the requested records, and a letter to that effect will be forthcoming from Business Services.

MAYOR GOODMAN recollected that MR. CAMACHO appeared before the Council at the 7/21/2010 meeting, during which he advised the Councilmembers of health problems that prohibited him from going forward with the hearing, and, therefore, requested abeyance. COUNCILMAN REESE granted the request with the warning that it would be the last abeyance he would grant.

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MR. CAMACHO argued that he has not been able to obtain the proper documentation for his defense.

COUNCILMAN REESE stated that he had no problem with granting another abeyance, as long as all business would cease and desist at the subject location as of 6:00 p.m. 8/4/2010.

MR. CAMACHO read a written document, stating that he hired an attorney to assist him with obtaining the necessary documents to contest this matter. Pursuant to NRS 239, he made the formal request, which the City did not respond to promptly. He argued that, to this date, the City has not provided the requested documentation and, to go forward with this hearing, would be in violation of his rights, as he is unable to defend himself. DEPUTY FIRE CHIEF ROBERT BELL sent him an e-mail indicating that documentation would be provided to him. Also, if MR. DiFIORE cannot provide him with the documentation, he will get a judge involved. COUNCILMAN REESE indicated that this matter involves an ongoing nuisance at this location.

MR. SMITH interposed that there have been 11 previous cases at this property for violations such as major auto repair, selling and painting vehicles, etc.

MR. SMITH delineated the action being requesting of the Council, as indicated on Page 2 of his report in the backup documentation.

MR. CAMACHO requested the Council trail this matter to the end of the meeting so that he could contact his attorney.

MAYOR GOODMAN stressed to MR. CAMACHO that this matter involves a nuisance issue and not a business license, as alleged by MR. CAMACHO.

With the concurrence of COUNCILMAN REESE, MAYOR GOODMAN granted MR. CAMACHO'S request and trailed this matter for 15 minutes so that he could summon his attorney.

MR. SMITH indicated for COUNCILWOMAN TARKANIAN that there is no connection between this matter and the business license. Business Services already gave MR. CAMACHO order to cease and desist for conducting unlicensed business at this location.

After trailing this matter, MR. CAMACHO came back and indicated that his attorney could not attend, and added that he was ill, has tried not to sue the City and has been harassed since 11/2009. DEPUTY CITY ATTORNEY STILL interjected that the appeal notice is dated 6/2010, and that is the only matter before the Council. MR. CAMACHO disagreed, stating that the two are related because his rights are being violated.

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DEPUTY CITY ATTORNEY STILL advised MAYOR GOODMAN that the obligation is regarding the notice and order.

MR. SMITH indicated that MR. CAMACHO was advised about his due-process right to appeal to be heard.

COUNCILMAN REESE emphasized that MR. CAMACHO has continually violated every City Code. Despite order to cease and desist, MR. CAMACHO is doing business illegally, selling cars at this location, retains illegal signage, and the property in a state of disarray. In order to continue to do business, he must do it legally by complying with the City's requests. The Councilman empathized with MR. CAMACHO's illness, but insisted that the City has an obligation to ensure Code compliance.

COUNCILMAN REESE showed a photograph to demonstrate the sale of cars on the property.

TODD FARLOW, Las Vegas resident, stated that MR. CAMACHO is insincere.

COUNCILMAN REESE doubted that the Council's action would put an end to the activities taken place at this location.

MR. SMITH made condition recommendations.

DEPUTY CITY ATTORNEY STILL recommended denial of the appeal and imposing the conditions stipulated by staff. MR. SMITH indicated that a letter would be sent to MR. CAMACHO enumerating all the conditions.

See Item 67 for related discussion.

