



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 18, 2010

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN KUHARSIN

☐ Consent ☒ Discussion

SUBJECT:

BEYANT ITEM - Hearing and possible action regarding review of compliance with City Councils decision concerning Nuisance Notice and Order and to consider preliminary report of expenses to recover fees and penalties for inspections located at 409 Santa Fe Street.
PROPERTY OWNER: MICHAEL PAVICH - Ward 1 (Tarkanian)

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 Code, Title 9, dealing with nuisance. 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 (10) Classic Vehicles; 9.04.010 (11) Vehicle Inspection/Enforcement; 9.12.030 Stored Materials. A copy of the notice was also posted on the property.

RECOMMENDATION:

Review compliance with City Councils decision concerning Nuisance Notice and Order and to consider report of expenses to recover fees and penalties for inspections.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Maps
3. Nuisance Notice and Order to Comply
4. Spreadsheet of Charges Accrued
5. Review Hearing Notification Letters
6. Submitted at Meeting Property Photos by Staff
7. Copy of the Notice and Claim of Lien

Motion made by LOIS TARKANIAN to Approve a lien in the amount of \$19,054.00 and the removal of structures and vehicles on site within two weeks

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

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

CITY COUNCIL MEETING OF: AUGUST 18, 2010

Minutes:

DEPUTY CITY ATTORNEY DAN STILL informed the Council that the property owners representatives would be present and suggested trailing the item.

After trailing the item, DEVIN SMITH, Manager of Neighborhood Response, repeated the Subject Section and pointed out the non-compliance issues pertained to an illegally built carport, storage shed, rear wall and some vehicles stored on site. Over 40 inspections have been done, and as of the last one this month, there has been no progress to move towards compliance. The City has spent substantial time and cost, so staff's recommendation was to place a lien on the property in the amount of \$29,054.00 to secure the City's interests in recouping its expenses.

ATTORNEYS SCOTT CANTOR and GEORGE GRAZIADEL, Graziadei and Cantor, Ltd., appeared on behalf of the owner, who was present also. ATTORNEY CANTOR showed a photo of the carport and noted that his client began removing the carport on August 16th. He detailed the work in progress, specifically the wall height was increased to alleviate visibility from the street and the storage shed has been emptied, and if approved by the Fire Department, will remain on site but will have to be stuccoed. In addressing MAYOR GOODMAN'S query concerning the vehicles, on site ATTORNEY CANTOR explained that his client was provided different information by inspectors. Regardless, the vehicles will be removed by next Monday.

Throughout this process, ATTORNEY CANTOR believes that communication was not clear as to what was required of his client to bring the subject property into compliance. This situation began erroneously and should be resolved with the pending municipal court issues. His client works out of town and is trying to abide by what is being expressed to him. He thanked MR. SMITH and other staff members for their assistance in addressing pending issues; his client made an effort to follow up on each notice received to address the assessed fines. His client now understands how the process works and is making progress to correct all of the pending issues.

DEPUTY CITY ATTORNEY STILL recalled some history on this property and agreed that the matter began on the wrong foot. However, after subsequent meetings including a recent abeyance granted by the Council, he emphasized that the property owner has had clear instructions on what needed to be done to bring the property into compliance. Unfortunately, staff is frustrated and has spent an immense amount of time attempting to get the owner to comply. It is only because of this hearing that the owner began to do something relative to progress. ATTORNEY CANTOR did not disagree with the chronology of meetings detailed by DEPUTY CITY ATTORNEY STILL; however, he believed that the miscommunication began subsequently to those meetings. He suggested that the incurred expenses by the City can be addressed based upon merit. MAYOR GOODMAN pointed out that the situation is not the City's fault and given the length of time on this item, he wondered why the problems could not have been resolved in a timely fashion.

COUNCILWOMAN TARKANIAN briefly recalled some past events with MR. SMITH and stressed that the City has expressed these concerns since August 2007, and the situation is not due to any misunderstandings on the City's part. The Councilwoman conversed with MR.

CITY COUNCIL MEETING OF: AUGUST 18, 2010

SMITH regarding staffs recommendations and agreed upon placing a timeline of two weeks to remove the structure and vehicles off site and placing a lien on the property in the amount of \$19,054.00.

