

AGENDA SUMMARY PAGE CITY COUNCIL MEETING OF: MARCH 2, 2011

DEPARTMENT: BUILDING AND SAFETY

DIRECTOR: CHRIS KNIGHT

☐ Consent ☒ Discussion

SUBJECT:

Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 2313 Brady Avenue in the amount of \$5,405.25 (General Fund) and assess a maximum of \$24,550 in daily civil penalties. PROPERTY OWNER: CUSTOM ESTATES LLC - Ward 3 (Reese)

Fiscal Impact

☐

No Impact

☐ Augmentation Required

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Budget Funds Available

Amount: \$5,405.25

Funding Source: General Fund

Dept./Division: Building and Safety/Neighborhood Response

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared a property violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired American Demolition to remove debris, piled dead vegetation, oil drums, and discarded furniture from all yards, remove trash from pool and metal shed, cut and remove all high or dead vegetation from all yards, front fence line and sidewalk area bordering property, and apply herbicide, remove two non-permitted structures in rear, and post no trespass sign. To date, there have been eleven (11) inspections conducted at this location. The estimated value of the property based on Zillow.com is \$54,000.

RECOMMENDATION:

That the City Council: Approve the report of expenses to include \$815 invoice for American Demolition in addition to other fees assessed for a total of \$5,405.25 and consider assessing a maximum of \$24,550 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. Submitted at Meeting Site Photos by Staff

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Motion made by GARY REESE to Approve an assessment of \$5,405.25 and waive the civil penalties

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:

MAYOR GOODMAN declared the Public Hearing open.

DEVIN SMITH, Manager of Neighborhood Response, read the Purpose, Background and Recommendation sections and noted that the property is not in foreclosure at this time and that the owner accepted two of the certified correspondence sent.

GARY FUKES, representing Custom Estates, LLC, indicated that this property was foreclosed and his company, Custom Estates, purchased it on 12/31/09. He had documents verifying this information. He asked that the fees be waived, since they were incurred by the previous owner.

TODD FARLOW, Las Vegas resident, asked what has been done to save the landscaping.

ANTHONY HODGES stated this is a new owner, but the Council should recoup as much as it possibly can.

COUNCILMAN ROSS pointed out the abatement costs include clean up and staff time. MR. FUKES rebutted that \$2,950 is in civil penalties. MR. SMITH explained Council's previous approval, allowing staff to charge progressive civil penalties because the minimum \$180 was not sufficient to recover all of staff's fees. When this property was purchased, there was a Notice and Order in place showing that the City had an action against this property.

COUNCILMAN REESE sympathized with the new owner but was compelled to approve the recommended fees and waive the civil penalties.

MAYOR GOODMAN declared the Public Hearing closed.

