

## AGENDA SUMMARY PAGE CITY COUNCIL MEETING OF: MAY 18, 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 125 Sam Jonas Drive in the amount of \$4,209.35 (General Fund) and assess a maximum of \$43,050 in daily civil penalties. PROPERTY OWNER: CHAN KWAI YUNG - Ward 2 (Wolfson)

**Fiscal Impact**

No Impact  Augmentation Required  
 Budget Funds Available

**Amount:** \$4,209.35

**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 Building and Safety declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Building and Safety hired American Demolition to remove all trash, snow and debris from property to include non-permitted shed in side yard, above ground pool, lawn furniture, and cut branches, cut and remove all high weeds and grass from all areas and apply herbicide and remove junked abandoned truck. To date, there have been ten (10) inspections conducted at this location. The estimated value of the property based on Zillow.com is \$74,000.

**RECOMMENDATION:**

That the City Council: Approve the report of expenses to include \$989 invoice for American Demolition in addition to other fees assessed for a total of \$4,209.35 and consider assessing a maximum of \$43,050 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. Correspondence from Law Offices of Gerrard Cox Larsen
9. Submitted at Meeting Site Photos by Staff

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Motion made by STEVE WOLFSON to Approve an assessment of \$2,259.35 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, Neighborhood Response Manager, read the Purpose/Background and recommended assessing fees in the amount of \$4,299.35 and civil penalties in the amount of \$43,050.

ATTORNEY DOUGLAS GERRARD, Law Firm of Gerrard, Cox and Larsen, appeared on behalf of the current property owner, KWAI YUNG CHAN. CHAN was not the property owner at the time the nuisance arose. Ms. CHAN purchased the property three months ago after Fannie Mae took it back through a foreclosure in September of 2010 and shortly after the City abated the nuisance. Currently, the property is well-maintained by the new owner. ATTORNEY GERRARD indicated that his is asking the Council consider waiving the civil penalties, but is willing to pay the cost of the inspection and abatement.

COUNCILMAN WOLFSON explained that the City received the complaint regarding the nuisance in April of 2010, went through the process and abated the property in September of 2010. The new owner took ownership of the property in February 15, 2011; therefore, ATTORNEY GERRARD'S client is not at fault. The Councilman recommended recovering the \$2,259.35 and waiving the civil penalties.

MAYOR GOODMAN declared the Public Hearing closed.

