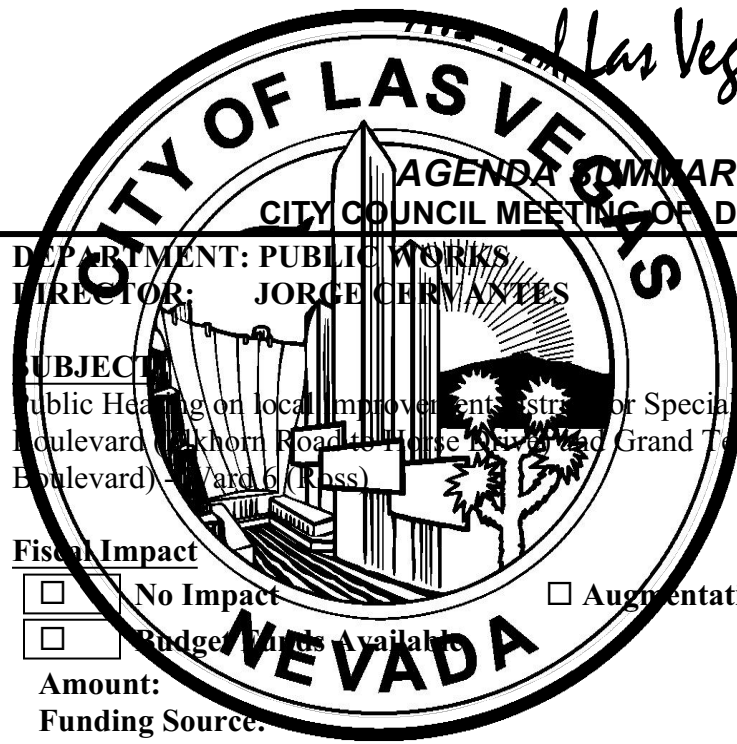




Las Vegas

Agenda Item No.: 55.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF DECEMBER 7, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES

☐ Consent ☒ Discussion

SUBJECT:
Public Hearing on local improvement street for Special Improvement District No. 1507 - Jones Boulevard (Elkhorn Road to Horse Boulevard and Grand Teton Drive (Maverick Street to Decatur Boulevard) - Ward 6 (Ross)

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Public hearing on the Final Assessment Roll for the installation of pavement, curb and gutter, sidewalks, driveway approaches, street lights, sewer laterals, water mains, and water laterals.

RECOMMENDATION:

Public Hearing only; no action required.

BACKUP DOCUMENTATION:

1. Public hearing notice
2. Protest Letter from Shari L. Clark
3. Submitted after Final Agenda Protest Letters
4. Submitted at Meeting Photos by Staff

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

DAVID BOWERS, City Engineer, and LORRIE DUNFORD, Engineering Project Manager, appeared before the City Council. MS. DUNFORD discussed the assessments being levied against property owners and indicated these assessments only account for approximately 10 percent of the project costs. She reviewed photos as they were displayed on monitors.

TODD FARLOW, Las Vegas resident, asked for photos of the trails to be displayed but they were not available because property owners did not contribute to that project.

ANTHONY HODGES, Las Vegas resident, asked for photos of horses.

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Because this is a public hearing not requiring action, COUNCILMAN ROSS asked MS. DUNFORD to explain what it means when assessment exceeds benefit. The Councilman asked Public Works to improve their photos in the future because the ones shown today did not do the project justice. He also clarified that two of the five protest letters were received by property owners who signed a covenant for the improvements back in 2008. COUNCILMAN ROSS explained there are more areas out there that need improvements.

COUNCILMAN COFFIN received clarification from MS. DUNFORD that property values can affect whether or not benefits exceed values.

ASSISTANT CITY ATTORNEY BRYAN K. SCOTT stated property owners can apply for a hardship waiver. If approved, this would allow them to only pay the interest and not the principal until such a time where they are no longer experiencing a hardship or the property is sold.

ERUCHALU GODSON, Las Vegas resident, stated he purchased the property one year ago and did not receive a disclosure from the seller, seller's agent or any other individual involved in the sale. His title company completed an assessment search prior to closing and another one on December 6, 2011, which did not return any assessments against his property. He is opposed to the assessments being levied against his property. MS. DUNFORD stated the assessment follows the property but there are no assessments yet because the project is just finishing. His title paperwork should have revealed a potential lien for future improvement assessments. He argued that property owners who signed the agreement have no relevance on his situation.

STEVE BURDOCK, Las Vegas resident, challenged the assessment that is nearly double his property value. He is appealing on the basis that the assessments far exceed the value of the land. The assessment also fails to recognize his parcel was split into two sections and sold. MS. DUNFORD stated that MR. BURDOCK was correct that the two-acre parcel does not reflect the fact that the property was split and has different owners.

ASSISTANT CITY ATTORNEY SCOTT stated appeals, protests and arguments should have been made prior to this hearing. It is unusual to have protests at such a late stage and there is no recourse that can be taken at this time. Benefits are not always based upon the assessed value of the property. MR. BURDOCK stated he did not receive any notification until a letter dated November 2, 2011. COUNCILMAN ROSS stated this goes back to 2008 when public meetings were being held and if new property owners were not notified of these Special Improvement Districts (SID) that is not something the City can resolve. MR. BURDOCK read a portion of the letter he received stating individuals should come to the City Council meeting where protests can be heard. It was misleading since no action could be taken. He confirmed for COUNCILMAN WOLFSON the letter was signed by JORGE CERVANTES, Director of Public Works.

IDA E. MICELLI, Las Vegas resident, confirmed for COUNCILMAN ROSS that she and her husband signed the special district agreement over 25 years ago and their situation has changed. She expressed concern that her voice is not being heard and that she has no recourse. MAYOR

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GOODMAN explained the time for protests was during the initial public hearings held back in 2008 and there is no action the City Council can take at this meeting but she should contact MR. BOWERS or MS. DUNFORD. COUNCILMAN ROSS concurred with the Mayor and suggested the new property owners may have legal recourse. MS. MICELLI argued that it is unreasonable to expect the same tax payers to repeatedly pick up the tab.

CHARLES MICELLI, Las Vegas resident, explained 44 years ago they paid to put the water system in the cul-de-sac. His sewage is a septic tank not the City's sewage system. He has experienced inconveniences due to changes in street designs. He does not see any benefits to his property and believes this is unfair. MAYOR GOODMAN reminded him that the use of roads leading up to his property is a benefit.

ASSISTANT CITY ATTORNEY SCOTT reminded the audience that this is a semi-annual payment made over a 20-year period. He clarified that if more than 51 percent of the people had protested, it could have been determined that the SID was not warranted.

COUNCILWOMAN TARKANIAN received confirmation there was no formal vote from the property owners and concurred with MR. BURDOCK on the wording in the letter. She voiced concern on holding a public hearing when there is no recourse or action to be taken. MS. DUNFORD recalled an incident where the City Council reduced certain assessments and ASSISTANT CITY ATTORNEY SCOTT provided further clarification on that exception. He also clarified that this meeting complies with the Nevada Revised Statutes (NRS) requirements to hear a report of expenses and assessments. MS. DUNFORD explained there will be a couple of more procedures that require presentations before the Council.

COUNCILMAN ROSS reminded the Council that the SID only assessed 10 percent to the property owners where the total project cost exceeded \$19 million.

JACK FRANKE, Las Vegas resident, has lived here since 1974 when it was a gravel road. He agrees that he utilizes the paved road but suggested that everyone who uses the road be assessed and not just those neighbors whose properties front Jones Boulevard.

COUNCILMAN BARLOW questioned if there was a process to reverse this. ASSISTANT CITY ATTORNEY SCOTT explained there is no reversal because the money has been spent and this is an attempt to recoup some of those costs.

ANTHONY HODGES, Las Vegas resident, expressed regret that the property owners seem to be caught in the middle.

VALMORE PICOTTE, Las Vegas resident, recognized that no action is being taken, but that times have changed and people might not be able to afford these assessments. He questioned whether the City will be taking properties from owners if the assessments are not paid. The idea of charging interest to a loan that was not justified or wanted is ludicrous.

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COUNCILMAN ROSS agreed this is a tough situation due to changes in incomes and property values. MS. DUNFORD stated these economic changes were not reflected in the assessments because the money was already spent and NRS has to be followed.

COUNCILMAN WOLFSON received confirmation from ASSISTANT CITY ATTORNEY SCOTT that the Council has discretion to make changes with rational, justified reasons behind the reductions. The Councilman wants to review the assessments, but ASSISTANT CITY ATTORNEY SCOTT cautioned it may set a precedent with the reassessment of other SID property owners.

COUNCILWOMAN TARKANIAN suggested the property owners collectively seek legal advice.

COUNCILMAN COFFIN suggested property owners evaluate the construction costs and methods.

RASHAN JOSHUA COLLINS, Las Vegas resident, questioned the hypocrisy of choosing which statutes should be upheld and which ones should be ignored.

MR. BURDOCK questioned if upcoming presentations will be public forums and MS. DUNFORD explained the remaining steps in the process. She told the Mayor the presentation was scheduled for January but that it may be pushed back so she can perform some additional research and speak with the property owners.

MAYOR GOODMAN asked MS. DUNFORD and MR. BOWERS to keep the Council abreast of developments.

MAYOR GOODMAN declared the Public Hearing closed.