

RESOLUTION NO. 14-060

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
CONFIRMING PENALTIES AND COSTS AT 171 LAUREL AVENUE AND APPROVING
THE RECORDATION OF A LIEN**

FACTS

1. On September 17, 2013 the owner of 171 Lighthouse Avenue, Pacific Grove, California, Tijuana Walker (Property Owner), was issued a Compliance Order identifying violations of Pacific Grove Municipal Code Sections 9.16.030, 23.64.185 and International Property Maintenance Code Sections 302.1, 302.4, 302.5, 304.13, 305.1, 504.2, 603.3, 604.3, and 603.1. A Compliance date of September 30, 2013 was given to the Property Owner.

2. The Property Owner failed to remedy the violations within the prescribed time.

3. A duly noticed Administrative Hearing was held on November 25, 2013.

4. On November 25, 2013, Administrative Hearing Officer Lynda Johnson issued an Administrative Decision/Order. After the time to appeal the Administrative Decision lapsed, a lien of \$9,115 was approved by City Council on March 19, 2014 by Resolution No. 14-015 and was recorded on May 6, 2014.

5. Pursuant to the Decision/Order, as of this date, the Property Owner must pay the City the following sums:

Administrative penalties calculated from 3/19/14 to 9/3/14 for the failure to complete the work required in the Order is calculated at \$100 per day for 168 days equals \$16,800.

TOTAL

\$ 16,800

6. To date, compliance has not been met. Pursuant to PGMC 1.19.200(a), administrative penalties are limited to \$100,000, exclusive of costs.

7. The maximum administrative penalty amount has not been reached.

8. The time to appeal the Administrative Decision/Order has expired.

9. Section 1.19.260 of the Pacific Grove Municipal Code authorizes liens on real property when a penalty and/or administrative cost imposed by a hearing officer have not been timely paid.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds the Facts set forth above to be true and correct, and by this reference incorporates each as an integral part of this Resolution.

SECTION 2. The total amount payable to the City is hereby approved, confirmed, and shall constitute a lien against the property at 171 Laurel Avenue in the amount of \$16,800, until paid in full.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional liens on 171 Laurel Avenue for any future unpaid administrative penalties and/or costs authorized pursuant to the Administrative Decision/Order.

SECTION 4. The City Manager is directed to take all action necessary to implement this Resolution.

SECTION 5. This Resolution shall take effect immediately following its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 3rd day of September, 2014, by the following vote:

AYES: Mayor Kampe, Councilmembers Cohen, Cuneo, Fischer, Huitt, Lucius, Miller

NOES: None

ABSENT: None

APPROVED:

BILL KAMPE, Mayor

ATTEST:

ANN CAMEL, Interim City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney