

RESOLUTION NO. 14-054

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
CONFIRMING PENALTIES AND COSTS AT 1228 MILES AVENUE AND APPROVING
THE RECORDATION OF A LIEN**

FACTS

1. On August 26, 2013 the owners of 1228 Miles Avenue in Pacific Grove, Gary and Joan Sinnet (Property Owners), were issued a Compliance Order identifying violations of Pacific Grove Municipal Code Sections 9.20.040, 1.16.010. A Compliance Date of September 26, 2013 was given to the Property Owners.

2. The Property Owners failed to remedy the violations of the Municipal Code within the prescribed time.

3. A duly noticed Administrative Hearing was held on October 24, 2013.

4. On October 31, 2013, Administrative Hearing Officer James B. Hall issued an Administrative Decision/Order. After the time to appeal the Administrative Decision lapsed a lien of \$13,525.88 was approved by the City Council on March 19, 2014 by Resolution No. 14-014 and was recorded on May 6, 2014.

5. Pursuant to the Decision/Order to date the Property Owners must pay the City the following sums:

Administrative penalties are calculated from 3/19/14 to 8/20/14 for failure to comply with the Order at a rate of \$50 per day for 154 days equals \$7,700.

TOTAL: \$ 7,700

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 1228 Miles Avenue in the amount of \$7,700.00 until paid in full.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional liens on 1228 Miles 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 4. This Resolution shall take effect immediately following its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 20th day of August, 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