

RESOLUTION NO. 17-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE  
AUTHORIZING RECORDATION OF A LIEN AT 987 RANSFORD AVENUE

FACTS

1. On May 19, 2016, Lisa Hanes and Mark Hanes (Property Owners), were issued a Compliance Order identifying violations of Pacific Grove Municipal Code (PGMC) sections 10.08.050 (a) and (c), 10.08.010, 9.16.020 (a), and 9.16.030 (a) which violations occurred at 987 Ransford Avenue (the Property). Lisa Hanes and Mark Hanes are sole owners of the Property. Mark Hanes A Compliance Date of June 20, 2016 was given to Property Owners.

2. Property Owners failed to remedy the Municipal Code violations within the prescribed time. Property Owners instead requested an Administrative Hearing be held to determine the issues.

3. A duly noticed Administrative Hearing was held on June 22, 2016. On July 21, 2016, Administrative Hearing Officer Kim Murdock issued Administrative Decision/Order #16-013. The Decision/Order found Property Owners liable for violation of PGMC sections 10.08.050 (a) and (c), 10.08.010, and 9.16.020 (a). The Decision/Order required Property Owners pay the following sums to the City:

	<u>Penalty</u>	<u>Days in Violation</u>	<u>Total</u>
<i>Penalties from 8/23/16:</i>	<i>\$50/day</i>	<i>14 days</i>	<i>\$ 700</i>
<i>Penalties from 9/6/16:</i>	<i>\$500/day</i>	<i>27 days</i>	<i>\$13,500</i>
<i>Costs:</i>			<i>\$ 476.50</i>
<b>TOTAL LIEN</b>			<b><u>\$14,667.50</u></b>

4. Property Owners contested the Administrative Decision/Order before the Monterey Superior Court. A hearing was held on May 1, 2017, and on May 2, 2017, Judge Susan J. Matcham denied Property Owner’s requested relief and sustained Administrative Decision/Order #16-013.

5. PGMC section 1.19.260 authorizes the City to place a lien on real property when a penalty and/or administrative costs imposed by a hearing officer have not been timely paid.

6. In the review of this matter, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and action for this matter does not constitute a “project” under California Environmental Quality Act (CEQA) Guidelines Section 15378; this is an organizational or administrative activity that will not result in direct or reasonably foreseeable indirect physical changes in the environment.

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 due and payable to the City is \$14,667.50; this amount remains unpaid. A lien in this amount shall be placed against the property at 987 Ransford Avenue (APN: 007-623-002) in the amount of \$14,667.50; the lien shall further accrue penalties and fines until the lien is paid in full.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional liens on 987 Ransford Avenue as may be needed to secure payment of future unpaid administrative penalties and/or costs authorized pursuant to Administrative Decision/Order #16-013.

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 CITY COUNCIL OF THE CITY OF PACIFIC GROVE THIS 16<sup>th</sup> day of August, 2017, by the following vote:**

AYES: Mayor Kampe, Councilmembers Fischer, Garfield, Huitt, Peake, and Smith.

NOES: None.

ABSENT: Councilmember Cuneo.

APPROVED:

  
BILL KAMPE, Mayor

ATTEST:

  
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

  
DAVID C. LAREDO, City Attorney