

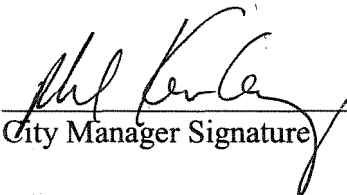
Office of the City Manager

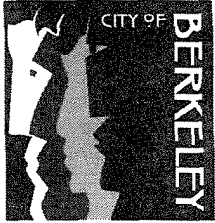
## TO BE DELIVERED AGENDA MATERIAL

**Meeting Date:** April 19, 2005

**Item Number:** 20

**Item Description:** Status Update on 651 Addison Street (Drayage)


  
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City Manager Signature



Office of the City Manager

**INFORMATION CALENDAR**  
April 19, 2005

To: Honorable Mayor and  
Members of the City Council

From:  Phil Kamlarz, City Manager

Subject: Status Update on 651 Addison Street (Drayage)

INTRODUCTION

On April 12 the Council was presented with an Information Item regarding the various health and safety enforcement issues at Drayage building, located at Addison and 3<sup>rd</sup> Street. At that meeting Council moved the item to Action and asked that staff to come back with an update on April 19<sup>th</sup>.

This item will summarize recent events regarding the site that have occurred over the last week.

CURRENT SITUATION AND ITS EFFECTS

On April 15, the Fire Department inspected the property and one additional household was found to have left the premises, but the building remained largely occupied. To date, Fire Marshal Orth has written four citations for \$2,500 each, one for each day since the April 15<sup>th</sup> deadline that the premises remained occupied. These citations will be formally posted and mailed to the property owner tomorrow and are subject to appeal.

While vacation of the building is nowhere near complete, the property owner, Dr. White, has apparently made some progress in reducing overall occupancy. Dr. White informed the City Manager's Office earlier today that he has reached agreements with 16 tenants who have now left the premises. Based on a tentative agreement, he anticipates that two more tenants will vacate the site tonight or tomorrow. His next meeting with tenants will be tomorrow at noon where he will resume, and hopefully, complete negotiations for their departure. As of today, eight units have been confirmed vacated and locked.

On Monday April 18<sup>th</sup>, the law firm Jelinek and Associates hand-delivered a "Notice of Appeal" regarding April 1<sup>st</sup> Notice and Order on behalf of Lawrence White, the property owner. This document declared that the Notice and Order is "invalid". The City does not share this view. The notice and order was issued pursuant to the summary abatement procedures in the BMC which only provide for appeal after the hazard has been abated where the City has abated the nuisance and assessed costs. Administrative citations are appealable as they state. After the premises are vacated, the essence of the summary abatement order, the enforcement officials will issue a further order directing the actions that must be taken to bring the premises into compliance. That order will be appealable as specified therein.

BACKGROUND

As of April 15<sup>th</sup>, residential vacancy of the site became illegal and constituted a violation of the April 1<sup>st</sup> Notice and Order that specified residential occupancy must end by that date.

FUTURE ACTION

It is the intention of the Fire Marshal to continue citing the property owner for each day that the property remains vacant. City staff will continue to assess the situation on a daily basis and may begin fining tenants who are choosing to remain resident at the building in violation of the Notice and Order. City staff continues to dialogue with all parties to this matter. It is important to note that it is not the intention of the City to forcibly remove any tenants from the property at this time.

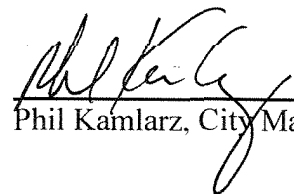
FISCAL IMPACTS

There are no significant fiscal impacts.

CONTACT PERSON

Michael Caplan, 981-2490  
David Orth, 981-5501

Approved:

  
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Phil Kamlarz, City Manager