



City of La Quinta

TO: The Honorable Mayor and Members of the City Council

FROM: Les Johnson, Community Development Director

DATE: April 1, 2014

SUBJECT: RESPONSE TO COMMENT PROVIDED DURING MARCH 18, 2014
CITY COUNCIL MEETING – MR. PHILLIP PETTIBONE

During the March 18, 2014 City Council meeting, Mr. Phillip Pettibone, who resides at 54-105 Avenida Mendoza, spoke to Council regarding the City recently taking action to have an unlicensed vehicle towed from his residence. Mr. Pettibone claimed that the City illegally removed the car from his driveway and that the Code Compliance/Animal Control Supervisor is selectively choosing matters to enforce in the community.

In response, there is an extensive history of code compliance activity associated with Mr. Pettibone's residence. The matter that he spoke of involves an unlicensed vehicle being stored in the driveway for an extended period of time, which is a direct violation of the La Quinta Municipal Code. For greater than a year, multiple attempts were made by Code Compliance staff to work with Mr. Pettibone to remedy this specific violation. Mr. Pettibone also met with the City Manager and me on two occasions in October 2013, in which the code violation was clearly explained.

As a result of Mr. Pettibone's choice to not remedy the violation, a Notice of Intent to Abate was issued. Mr. Pettibone appealed the Notice and an administrative hearing was conducted on January 2, 2014. After considering all of the information provided, including comments from Mr. Pettibone and the City, the hearing officer upheld the Notice and encouraged Mr. Pettibone to remedy the violation. City staff also notified Mr. Pettibone of the option to appeal the Notice to City Council. Mr. Pettibone subsequently filed an appeal with Riverside County Superior Court. The appeal was heard on February 20, 2014 with Mr. Pettibone

being directed back to the City as he had not exhausted his appeal rights with the City. City staff again notified Mr. Pettibone of his right to appeal the violation to City Council, which he chose to not pursue.

On March 5, 2014 a warrant was issued to tow the vehicle following 24-hour notice being given. Proper notification of the warrant was subsequently provided. On March 6, 2014, Mr. Pettibone placed the vehicle on a trailer in his driveway. No indication was given that this action was intended to relocate the vehicle or otherwise properly remedy the violation.

As a result of the action taken by Mr. Pettibone, Code Compliance staff conversed with legal counsel. A second warrant was ultimately obtained, which was issued without the requirement for 24-hour notice. Later that same day, the vehicle was removed from the trailer and towed. Mr. Pettibone was present when the vehicle was towed.