

CITY COUNCIL MEETING OF
March 7, 2007
VERBATIM TRANSCRIPT ITEM 84

ABEYANCE ITEM Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1919 Fremont Street. PROPERTY OWNER: JOSE E. & AZALEA PERAL - Ward 3 (Reese)

APPEARANCE LIST:

OSCAR GOODMAN, Mayor
AZALEA PERAL, property owner
DAMIAN WALBURN, Sergeant, Las Vegas Metropolitan Police Department
GARY REESE, Councilman

STEVEN ROSS, Councilman
DAN STILL, Deputy City Attorney
STEVE WOLFSON, Councilman

LOIS TARKANIAN, Councilwoman

LARRY BROWN, Councilman

GIOVANI MINOLETTI, Office, Las Vegas Metropolitan Police Department
AL GALLEGGO, Las Vegas resident

45 minutes

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MAYOR GOODMAN

All right, then, we go to Item Number 84, which is a hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1919 Fremont Street. The property owner is Jose E. and Azalea Peral. This is in Ward 3. Okay, whos representing the

AZALEA PERAL

Im Azalea Peral.

MAYOR GOODMAN

The City? Thank you for announcing your presence. Whos representing the City or is it a presentation by Metro?

DAMIAN WALBURN

Presentation by Metro. Sergeant Damian Walburn, Downtown Area Command and Officer Giovanni Minoletti.

MAYOR GOODMAN

Okay, very good. Why dont we give a little bit of the background here? The subject property was determined to be a chronic nuisance as defined in Las Vegas Municipal Code Titled nine point O four point O one O and nine point O four O point O two O dealing with nuisances and Notice and Declaration of Chronic Nuisance was mailed to the property owners to correct the nuisance per Title nine point O four point O one O and nine point O four O two O. Todays hearing is to consider the appeal to the Notice and Declaration of Chronic Nuisance filed by Azalea Peral, property owner and responsible party. So, were going to ask Metro to make their presentation and then, Ms. Peral, youll certainly have an opportunity to respond.

DAMIAN WALBURN

Thank you Mayor and Council. Id like to put this in the record with the Clerk, please.

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MAYOR GOODMAN

All right, please.

DAMIAN WALBURN

Its a copy of the book.

COUNCILMAN REESE

I dont have a copy of that.

MAYOR GOODMAN

I do not have a copy.

COUNCILMAN REESE

Yes.

MAYOR GOODMAN

I do have a copy. Yes, thank you. Thank you. Excuse me.

DAMIAN WALBURN

Okay. This is in regards to the chronic nuisance at 1919 East Fremont, the Zaris Motel. The events that led to the chronic nuisance, letter of investigation

MAYOR GOODMAN

Excuse me. I just have a message that I have to take

DAMIAN WALBURN

Yes, Sir.

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MAYOR GOODMAN

what appears to be an important phone call.

DAMIAN WALBURN

Okay.

MAYOR GOODMAN

I would like to participate in this. I'd like to do it from the beginning; so, we'll be in recess for two minutes, if that's okay.

DAMIAN WALBURN

Okay, Sir.

MAYOR GOODMAN

Thank you.

RECESS
MEETING RESUMED

MAYOR GOODMAN

All right. Everybody here?

COUNCILMAN REESE

Don't forget your glasses, babe.

MAYOR GOODMAN

Councilwoman. Good. All right, everybody's here? Excellent. I'm very sorry. We're back in session. I apologize to everybody. Yes, Sir.

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DAMIAN WALBURN

Thank you, Mayor and Council. Again, I'm Sergeant Damian Walburn, Downtown Area Command, and I supervise the chronic nuisance detail. This is in regard to 1919 East Fremont, the Zaris Motel. I provided a copy for record to the City and also one to Ms. Peral.

MAYOR GOODMAN

Yes, Ms. Peral, have you had an opportunity to review that?

AZALEA PERAL

Yes. Yes, I did.

MAYOR GOODMAN

Very good. Thank you.

DAMIAN WALBURN

Okay, just to outline the events that led to the chronic nuisance service, which were continued complaints from all officers from all shifts; that's seven days a week, 24 hours a day, that there was a high amount of criminal activity occurring at the Zaris Motel. Secondly, calls for service check was done for the Zaris Motel on eleven twenty-nine of October six, November 29th, last year, that revealed the owners violation of maintaining a Chronic Nuisance, Ordinance nine O four O two O. This led to the chronic nuisance letter and investigation.

Just to outline what actually took place within 30 days. There were nine disturbance calls, four batteries, one robbery, one fight and one malicious destruction of private property. Next we put in the record. This is actually the letter and the Notice of the Declaration of Chronic Nuisance, which specifically outlines that seven items be abeyed; set forth as hire more security guards and have them work on a 24-hour basis; two, provide proof that background checks are being conducted; three, take a more pro-active role in reducing the calls for service, which is a result of the enormous amount of criminal activity and impropriety on a property; four, comply with the IDL program; five, take a more pro-active role in screening tenants. Next, evict all problem tenants that security or Las Vegas Metro Police Department uniforms inform them of immediately. And next, to call LVMPDs Crime Prevention Specialist for any assistance, as in working with myself and my Chronic Nuisance Detail officers.

In the next page there's a request for abatement, which is an order to abate. And next is the Ordinance nine O four O seven zero, which outlines an appeal procedure. If the manager or the owner doesn't want to abate the problems, they have the right to appeal within a time period, which was done here.

Next I'm gonna go into a little comparison. For the Zaris Motel located at 1919 East Fremont Street, there's only 17 units within the facility. From 2003 or in two thousand and three there were only two calls for service. In two thousand and four there were two calls for service. In January of 2005 the property purchased by Azalea Peral at that time, there were 84 calls for service. In two thousand and six there were 200 calls for service. In two thousand and seven, the month of January and two weeks in February, there's already been 35 calls for service. Next page

MAYOR GOODMAN

Sergeant

DAMIAN WALBURN

there's a graph

MAYOR GOODMAN

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may I ask you this?

DAMIAN WALBURN
Yes, Sir.

MAYOR GOODMAN
When we say calls for service, the, thats defined?

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DAMIAN WALBURN

Yes, Sir.

MAYOR GOODMAN

Okay, fine.

DAMIAN WALBURN

Yes, Sir. And also to, I wanted to show you the next model where I have Zaris Motel listed at the top

MAYOR GOODMAN

Right.

DAMIAN WALBURN

where it has a comparison of the years

MAYOR GOODMAN

Yeah.

DAMIAN WALBURN

2003, 2004, 2005 and 06

MAYOR GOODMAN

Right.

DAMIAN WALBURN

we actually took into account that out of those 200 calls, it may in fact, have been management of the owner who called. Out of those we had 42 calls for service that were actually placed in by the management. So, we wouldnt count those in; however, we show the totals, and if we have a pro-active management or an owner, therere not used against that proprietor. We actually work with them because theyre trying to abate the program.

MAYOR GOODMAN

Okay.

DAMIAN WALBURN

On the next page, this is a breakdown. In two thousand and five at the Zaris Motel calls for service there were three assault and batteries, three gun-related calls for service, two assault and battery with a deadly weapon, one attempt homicide, one robbery, one attempt robbery, three recovered stolen vehicles, two burglaries, one fight, one fraud, one narcotics related and one stolen vehicle.

Next, I broke down two thousand and six for you; nine narcotics activity, eight wanted subjects that were arrested on that property, eight assault and batteries, four robberies, two kidnappings, two fights, two assault and batteries with a gun, two gun-related incidents that werent related to the other two, two illegal shootings, two stolen vehicles, one burglary and one narcotics buy. When I put narcotics buy in there doesnt mean that someone went and purchased narcotics. That means that our undercover detectives went and did a buy with narcotics or a problem solving unit.

MAYOR GOODMAN

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So, each one of these incidents is actual, does each one of these incidents represents an arrest or represent the call for service and then the taking of a report?

DAMIAN WALBURN

Taking of a report and/or an arrest; it could be both, Sir. For instance, for the wanted subjects, the eight of em

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MAYOR GOODMAN

Yes.

DAMIAN WALBURN

all eight of those went to jail. However, on the illegal shootings, we might had two illegal shootings, there were no arrests because the suspects were gone on arrival when the officers got there, Sir.

MAYOR GOODMAN

Thank you.

DAMIAN WALBURN

Yes, Sir. Next, for the two thousand and seven break-down, theres two narcotics activities, two narcotics buy, again that has to do with narcotics and problem solving units; two wanted subjects, both were arrested; two burglaries, one robbery, one assault and battery, one child abuse/neglect call, and one search warrant was served through our Problem Solving Unit, through narcotics and served by the Special Weapons and Tactics Unit on that property. The target that they went to serve the warrant on at that time had actually been moved out by the owner, who stands next to me now, prior to that warrant ever being served, so the target wasnt in at that residence when the warrant was served.

COUNCILMAN ROSS

Your Honor?

DAMIAN WALBURN

How they knowledge of that prior to

MAYOR GOODMAN

Yes.

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DAMIAN WALBURN
we dont know.

MAYOR GOODMAN
Excuse me.

COUNCILMAN ROSS
Would you, if I may, Your Honor.

MAYOR GOODMAN
Certainly.

COUNCILMAN ROSS
Could you repeat that, please?

DAMIAN WALBURN
Sir, before, after Swat had served the warrant on that specific property on that day, at the specific, you know, apartment in question for the impropriety, they went in to get the target out, the person that was selling the narcotics and possibly had firearms, they had been moved from that target into another place on the same property. So, the, you know, just, it moved down another, to another, whats the word; another unit. So, the person who we went to make an arrest on had been previously moved before we ever went in and did any activity. And that

COUNCILMAN ROSS
Thank you.

DAMIAN WALBURN
would have been moved in by the lady next to me.

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COUNCILMAN ROSS

Thank you, Your Honor.

DAMIAN WALBURN

Two thousand and six calls for service comparison. At 1919 Fremont, Zaris Motel, there's 17 rooms, as I said earlier, 200 calls for service. Right next door or down the street, at 1920 Fremont, Purple Sage Motel has 18 rooms; there's only 66 calls for service. Next 1841 Fremont, which is the TiVon Apartments, there's 36 rooms, they only had 76 calls for service, and that's a comparison with something like or comparable to. There's also a graph on the next page for Zaris Motel calls for service comparison. Out of the 18 rooms, the 36 rooms and the 17 rooms, you can see the difference.

On the next page, what I've done is, we actually put down a timeline and request, and the one thing with us is, although we do enforcement, we also have a humanistic approach to this, and the key to anything is communication. We've had 12 meetings with Ms. Peral. They've been done by my crime profession, Crime Prevention Specialist, my Chronic Nuisance officers and also myself. They've been done in person. They've also been done on the telephone. They've also been done on her property. So, we've given her every opportunity. The other unique thing in the Chronic Nuisance Detail, we've abated actively over a hundred projects since this Detail was put into implementation. We've only gone to appeal three times; this is the third. Usually, the owner of the management team will abate it, actively, with Metro, with the City, with crime prevention, i.e. the problem solved. Not in this case.

MAYOR GOODMAN

But what do you attribute that to?

DAMIAN WALBURN

Lack of management and accountability, Sir. I'm not going to go in the timeline unless we need to through rebuttal. What I'd like to do is go to the last where I actually did a breakdown for the Las Vegas Metropolitan Police cost breakdown to show the man hours and the cost. And this is a very, very low ball. A lot of officers putting in overtime; you're making time and a half, you could be up between, you know, 50 dollars on up over to a hundred, depending on the specialty and the training in tactics.

We broke this down. For patrol 200 calls for service and pro-active activity, two officers at 32 dollars an hour; that's low. One hour per call, 64 dollars per call. Sixty-four times 200, that's \$12,800.

For the narcotics team, breakdown there; four hundred and fifty dollars, that's three times. For the Swat Team, two times 400, that's \$800. For an overall breakdown, and I'll go down, cause I don't want to seem repetitious here. The approximate total cost is fifteen thousand four hundred and fifty dollars; that's four hundred and seventy-two man hours that we put in the Zari Motel, Sir.

On the next page, and this is case and point for the recommendations, and I respectfully ask to be considered, under the old Chronic Nuisance, the civil penalty was \$500. The new one was actually put into effect by the Mayor, yourself, and this Council on the 24th of December in the year two thousand and six. The new civil penalty there is a thousand dollars. We would ask that we go off the old ordinance for 500 a day; that's ninety-nine days; that's \$49,500 in civil penalties to be considered.

Secondly, that all seven items listed need to be done or abated immediately. The things that I outlined, like the security, like the no visitation policy, IDL program, and they be done until the revocation hearing, which is next. And I'm going to ask for the revocation of the business license of the Zari Motel to be considered.

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MAYOR GOODMAN

All right. Let me ask the City Attorney, what are we being asked to do today?

DAN STILL

Well, Your Honor

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Are we being asked to rule on whether or not it has been properly declared a nuisance, then impose sanctions or is there a second phase that will be brought before us seeking revocation?

DAN STILL

Well, to impose the civil liability, the civil fines, you have to make a finding based upon substantial evidence that a chronic nuisance exists, which is defined as three or more nuisance activities within a 30-day period. And Ill have Sergeant Walburn articulate that, maybe, just a little clearer so our record is clear. And once that finding

MAYOR GOODMAN

But is that what we are here for today?

DAN STILL

Well, no, once that finding is made, then you have the discretion to impose these additional conditions that are, that hes referenced on the back of the booklet that he provided.

MAYOR GOODMAN

No, I appreciate that, but theres a suggestion that we impose a \$500 a day fine. Does that take place today? Theres a suggestion

DAN STILL

That could take place today within the discretion of the Council, and it could be from zero to however many days theres a on-going violation.

MAYOR GOODMAN

And how about the request for revocation? Is that gonna be acted upon today?

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DAN STILL

That wouldnt be acted upon today, Your Honor, that would be a direction to staff to move forward with preparing a complaint

MAYOR GOODMAN

That was my question.

DAN STILL

and the complaint would come, yes.

MAYOR GOODMAN

Thats my question. I just want to know why, what were supposed to do today.

DAMIAN WALBURN

Yes, Sir.

MAYOR GOODMAN

If the Council desires a revocation to take place then we would direct the City Attorney to prepare the appropriate pleadings and those would be served on the young lady and shell have an opportunity to respond with all due process rights attached to it. All right. Thank you.

DAMIAN WALBURN

Thank you, Sir.

MAYOR GOODMAN

Yes, maam.

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AZALEA PERAL

Okay, well. First of all, I apologize if my language is a barrier to tell you exactly whats going on here because I hear his presentation, but is nothing like the way I see it in my point of view. I call Mr. Minoletti, Giovanni Minoletti on October 26th to ask him for advice because Mrs. Wendy Stillman from the Health Department gave me the idea to call him, so he can help me to manage the building in a pro-active way. That building, first of all, was closed for many years until I bought it. It had broken windows, homeless people live in there, no electricity at all, and, of course, there was a lot of crime going on when we bought it. I lived in the 2000 year, I mean, the 2005 year, I live on the property. I live on premises. Yes, there were calls. We had people breaking into the newly fixed apartments. We had to make many calls because prostitutes and drug addicts and all kind of people were used to coming into the property like if it was their home. So, we had to call for help. We had to call for assistance. We installed an electricity and we put light bulbs in every single apartment, outside. Besides that we had six different big lamps that made that place look like a day at night. We also installed security cameras to allow us to see every point of the motel.

I never, when I appealed this case, I didnt mean to waste all this taxpayer money or your time or anybodys. The only reason of my appeal is because at the end of this notice it says that if I wasnt, that if I didnt, that I had an objection and I didnt wanna waive my rights, I needed to appeal this letter. So, thats the only reason why I appealed.

MAYOR GOODMAN

The

AZALEA PERAL

I didnt mean not to comply.

MAYOR GOODMAN

No, theres no problem with you exercising your rights. Nobodys taking issue with that.

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AZALEA PERAL

Okay, because that's the main thing. I talked with Officer Minoletti two days after I start calling him. I left him three messages on that day that I got the recommendation from the Health Department officer, and she came back the next day, because what happened is that, we had a fire inside this motel. We were running four rooms only from May to November, and you can verify that. We only had four rooms to rent, and all the right side of the motel was closed down. We didn't have electricity, so we had to run an extension cord to put electricity in the other side because we were having a lot of trespassers. The Health Department came over and they gave us a fine because of that extension cord and I explained the situation to Ms. Wendy Stillman and she gave me the phone number of Giovanni Minoletti. He, she told me to call him because he was going to be able to help me.

The area where I got this motel it's a very high area in crime. So, I called him for advice. He came over, he showed up, like three days later, with a really bad attitude. I don't know if he was thinking that the reason for my call or Mrs. Wendy also called, was because I was doing something wrong. But he came over really strongly on me. I know he was doing his job, but he was very unprofessional. When he came he started yelling and screaming to me. There was a tenant that passed by, a transvestite, and he told me, what is that thing doing here? And I said, what you mean, what thing? He said that thing. And I said, well, he lives here. And he said, well, he has to go. And I said, how do I evict somebody if he's not doing anything wrong and he's paying his rent? And he just said, well, you have to do what I tell you to do or I'm gonna close this place down. He left really upset. I told him, I call you because I wanted your help. I wanted your advice. And he said you'll get it. You'll get it in writing. You'll get in a letter. Let me have your address. I gave him my address.

A month later he came back and he put this on the motel door and he also mailed me a copy. I took care of most of this immediately.

About the hiring of security guards, I already had a security guard and by the time he came back, on the 29th, I actually fired him already because he got involved with the people of the street and he wasn't good to the property. He was an escort instead of security guard.

About providing background checks, look, I'll gladly do it for anybody who stays in the place for a month. But how do I do background checks on somebody that comes over and stays there for a day or a, or the weekend?

COUNCILMAN WOLFSON

Mayor Goodman?

MAYOR GOODMAN

Yes.

COUNCILMAN WOLFSON

That was going to be a question I had, and I was going to ask you, Officer. First of all, your report was a very good report, but next time I'd recommend you number the pages so that if I want to refer to a page.

DAMIAN WALBURN

Absolutely.

COUNCILMAN WOLFSON

And on one of the pages it talks about a request made of this lady to do the background checks. Let me find what I'm talking about.

MAYOR GOODMAN

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Its under the Notice and Declaration of Chronic Nuisance, dated November 29th 06.

DAMIAN WALBURN

Councilman Wolfson, if I may interject on here, she was advised by crime prevention and also by chronic nuisance officers, one standing next to me the other seated. This is more for the weekly and monthlies, not the dailies. That was outlined to her. And case and point, I respect what this young lady has to say, but then again, instead of talking about impropriety and accountability, were talking about my officers ethics and morals, which isnt in question here today.

COUNCILMAN WOLFSON

Heres my question. This is the entry Im talking about. Its under the timeline.

DAMIAN WALBURN

Okay.

COUNCILMAN WOLFSON

Thank you, Mayor. It says eleven twenty-nine O six, weve requested owner to conduct background checks on tenants and provide proof they are being done. And I understand youre not so concerned with the dailies cause by the time you do a background check, theyre gone.

DAMIAN WALBURN

Yes, Sir.

COUNCILMAN WOLFSON

But how is she gonna do a background check?

DAMIAN WALBURN

Background checks, what were asking with the IDL program, number one, state law we posted within the facility and thats done through the management or the owner, that way that the people that come in, the patron, her establishment or another establishment know that theyre accountable, that they work with LVMPD and the City of Las Vegas and that their IDLs done. It, its simply as something as simple as getting Social Security numbers, getting dates of birth, getting heights and weights.

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MAYOR GOODMAN

Why dont you tell us what IDL is?

DAMIAN WALBURN

(Inaudible) Identify Detect and Locate. And thats what actually helps us hold, for instance, if you have, lets say, for instance Zaris Motel theres 17 units. Lets say there were three families in there living with children. You wouldnt wanna probably have somebody that come in thats a sex offender registered for doing something illegal, impropriators with a child. And those are the types of things are available. It assists management with weeding out people that you wouldnt want on your property.

COUNCILMAN WOLFSON

Okay. So, if youre talking about background check, thats a little misleading. What youre taking about is you requested that she get appropriate identifiers on tenants; Social Security numbers, drivers license numbers

DAMIAN WALBURN

Right.

COUNCILMAN WOLFSON

addresses, photo copy of drivers licenses

DAMIAN WALBURN

Right.

COUNCILMAN WOLFSON

things like that.

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DAMIAN WALBURN

Right each, the one unique thing about Downtown Area Command is, we have a crime profession, Crime Prevention Specialist, Im sorry. And we have everything from a trespass program to a non-visitor policy, to the IDL, to the records checks, everything is broke down in writing and thats all been supplied to Ms. Peral, by our CPS. So, that is done that way, and with all the things that I do, I dont know just about everything, but I make sure that records are kept and that facts are done and thats why we also keep case files so I can review that things are being done. And I empower my troops to do their job and I know it was done because I spoke to my CPS three times about this, specifically, after talking to this young lady on the telephone.

AZALEA PERAL

Yeah, and everything by their request is absolutely done the way they requested, and as witnesses, its their own officers because they come to the property to check.

MAYOR GOODMAN

Well, let me ask you some questions, okay.

AZALEA PERAL

Sure.

MAYOR GOODMAN

And once again, Im a little fearful, I think this is the first time weve used this nuisance ordinance.

DAMIAN WALBURN

No, Sir. We had, go ahead maam. Im sorry.

COUNCILWOMAN TARKANIAN

No, thats okay.

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DAMIAN WALBURN

The

MAYOR GOODMAN

Have we used this nuisance ordinance, as far as a hearing is concerned?

COUNCILWOMAN TARKANIAN

Well, we used it on the convenience store.

MAYOR GOODMAN

Okay, thats a little different. Ill tell you why Im a little concerned, because one of the provisions makes it a criminal act for failure to do certain things. And Im fearful, with all due respect, that she could be tending to incriminate herself if she answers some of the questions. You understand that you could have a lawyer here to giving you guidance if, number one, you want one. We cant, I dont believe that the law provides us to appoint one even if you cant afford it, under a misdemeanor circumstance. But have you talked to a lawyer about this?

AZALEA PERAL

I talked with a lawyer about it because Officer, the Sergeant, he advised me to get a lawyer. But I really thought I wasnt being

MAYOR GOODMAN

No, I understand that. You may think one thing and another thing may be happening, because I wanted to ask you some questions and if you answer the questions the wrong way, you could be tending to incriminate yourself.

AZALEA PERAL

Oh, well I explained the lawyer or I called a lawyer and told him what was going on and he told me that if they were doing this with everybody or just with me. And I said, well, I went to knock on every motel to check and this is a personalized to Zaris.

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MAYOR GOODMAN

(Inaudible)

AZALEA PERAL

So, he told me to come over here and check because I am appealing the case.

MAYOR GOODMAN

No, I understand that but

AZALEA PERAL

Is, Im not being accused here. Im not

MAYOR GOODMAN

Well

AZALEA PERAL

defending myself.

MAYOR GOODMAN

I want to ask you, did you hire more security guards after you got, received the letter on November the 29th of two thousand and six, security guards would work there 24 hours a day?

AZALEA PERAL

My son lives there, Sir

MAYOR GOODMAN

No, thats not answering my

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AZALEA PERAL

and we

MAYOR GOODMAN

No, answer my question, please.

AZALEA PERAL

Yeah, no, I did not. I

MAYOR GOODMAN

Okay, see, that's what I'm worried about. Mr. Still, what do you say?

DAN STILL

Well, Your Honor, we're here on the civil appeal. There is no criminal case pending concerning this matter. She has not ever been cited, that I'm aware of. I'm relying on the Sergeant to tell us definitively. But I am

DAMIAN WALBURN

No cites.

DAN STILL

not aware of any citations. So, rather than proceed within the context of Municipal Court through a criminal citation, they've chosen to take it through the civil process. Now, the, I guess, technically, they could do both, but practically, it won't happen.

MAYOR GOODMAN

All right.

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COUNCILMAN WOLFSON

(Inaudible)

MAYOR GOODMAN

Right. Okay. You're let's put it this way, you're proceeding at your own peril. If you want to get a lawyer, I'll let you get a lawyer.

AZALEA PERAL

Okay.

MAYOR GOODMAN

And in the meantime, the City Council will be at liberty to accept the motion to begin revocation proceedings, no matter what your decision is, and then you can make your presentation by having counsel with you or representing yourself, whatever your pleasure is, Ma'am. I'm just trying to protect your rights.

AZALEA PERAL

Right. Well, if that's the case, then I'll get a lawyer.

MAYOR GOODMAN

All right. I think that's probably in her best interest and we'll proceed today. I believe that the Mayor Pro Tem has a motion.

COUNCILMAN REESE

Yes, Your Honor. I

COUNCILMAN ROSS

Your Honor?

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MAYOR GOODMAN

Yes.

COUNCILMAN ROSS

May I make a couple of comments before you make that motion, Mayor Pro Tem?

MAYOR GOODMAN

Certainly.

COUNCILMAN ROSS

And Sergeant, I just, there're other properties that face the same issue as a nuisance, and if you don't mind indulging me a little bit, Your Honor, I appreciate that.

MAYOR GOODMAN

Go ahead.

COUNCILMAN ROSS

Did the other properties also help you with the IDL program?

DAMIAN WALBURN

Sir, I'm gonna let Officer Minoletti answer this because he's gonna tell you specifically how many properties we're working with. And to answer that question specifically, yes, many properties, and there's, I think, over a hundred in downtown that participate in the IDLs.

COUNCILMAN ROSS

Well, and as he's preparing to answer that question, it seems to me that those other properties are being pro-active enough to help us clean up the streets in the downtown area.

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DAMIAN WALBURN

Yes, Sir.

COUNCILMAN ROSS

So, they're helping your team do exactly what they need to do.

DAMIAN WALBURN

Yes, Sir.

COUNCILMAN ROSS

And I'm not recognizing with that with this particular agenda item.

DAMIAN WALBURN

That's correct. There's only been one name faxed in an the IDL program in five months to my office, and we went and checked records yesterday with our CPS and none of this stuff had been done yet. Matter of fact, it took 30 minutes to locate paperwork that should have been out for her management or her family, whoever's in that office. We had to dig for 30 minutes to find it, in her best interest, not to be used against her or no things here today to that effect.

COUNCILMAN ROSS

Well, without -- her getting legal counsel on the other side

DAMIAN WALBURN

Yes, Sir.

COUNCILMAN ROSS

it appears to me that your team has done, been pro-active, taken a pro-active approach to this property.

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DAMIAN WALBURN

Yes, Sir.

COUNCILMAN ROSS

And I'm going to refer your attention to this graph here regarding the other properties downtown. The Purple Sage, which has 18 rooms, 66 calls for service. The TiVon, 36 rooms, 76 calls for service. When, where's the line of demarcation here that says, hey, we got a serious problem here. We're not getting cooperation, you know, we're spending so far four hundred and seventy-two man hours, including the time it's taken you guys to be sitting down here with us today. I mean, this is costing taxpayers a lot of money. But where's that line that says, you know, enough's enough. We need to bring this to the Council. Is this it, the 200 calls for service?

DAMIAN WALBURN

It's when the line of, Sir, it's when the line of communication breaks down. It's when, repetitiously, sergeant after sergeant approaches me and officer after officer approaches my office and talks about the impropriety and the culpability or lack of accountability by the manager or the owner. When officers are coming to me saying they're chasing drug dealers onto the property into rooms with firearms and things like that, we step it up a notch. We also do more communication where we'll try and sit down or have a telephone conversation if somebody isn't within Las Vegas. Okay, or like, Mr. Peral wasn't available and so we talked on the phone on a previous matter. It's when everything breaks down, it's when we have a totality, and then when you put everything to black and white and you look at the facts and circumstances, it is very overwhelming and that's why we're here today because there's no accountability on her part. It's always, well, how come you're not talking to the TiVon. Well, we do look at other properties, we do work with and abate other properties, but we're talking about yours. We're not picking on her. It's not set out. But like I said earlier to the Council and the Mayor, we've done over a hundred of these properties through the chronic nuisance where we sent the letter out and without a knee jerk reaction, we set up meetings that are, you know, facilitated by the City Attorneys, sometimes by liaisons that some are present here in the chamber today. And through the communication we could work it out because there's positive attitude and we want them to

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succeed. Its good for the City, its good for us, its safer for my officers. But when it just gets, its unsafe, we have to take it forth.

COUNCILMAN ROSS

Your Honor, if I may, and you hit it right there on the head. I mean, here weve got a property with 200 calls for service, lets forget the taxpayers dollar being spent, the man hours being spent, lets go directly to officer safety

DAMIAN WALBURN

Yes, Sir.

COUNCILMAN ROSS

and to public safety, being our primary concern, in regards to whats happening downtown. I mean, this is a scary thing and Im grateful that you put this together cause it certainly helps me understand your program better. And I ask you specific questions so that the audience could also understand how this program works so that youre being pro-active out there in your efforts to work with these property owners to help them with their challenges so they can also be successful downtown. Thank you, Your Honor.

MAYOR GOODMAN

Councilman Brown.

COUNCILMAN BROWN

Sergeant, with the IDL program, is that a policy or is that part of City ordinance or state law?

GIOVANI MINOLETTI

Do you know any better? Its an option. I think its an option (inaudible) policy. Is that correct?

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DAMIAN WALBURN

I would say its geared to a more, within policy and I think its an effective tool used in many law enforcement jurisdictions to partner with the community because we cant do it alone; we have to work with the private sector and its an effective tool to do that.

COUNCILMAN BROWN

And just, the notice of declaration of chronic nuisance that list those seven recommendations or requests from Metro via the owner receives that, does she signs something acknowledging she has received it?

DAMIAN WALBURN

(Inaudible) go ahead.

GIOVANI MINOLETTI

Mayor and Council, to answer that question, we send a letter both certified so we get a signature on a return, and in most cases were going to try hand-deliver also so we can testify that we hand-delivered this and the owner will get it.

COUCILMAN BROWN

Appreciate that. And then just to make sure Im clear on this, the CPS is a Crime Prevention Specialist and in that first declaration it indicates that youre recommending that they contact a Pam Terry.

DAMIAN WALBURN

Yes.

COUNCILMAN BROWN

In your backup it indicates that, since eleven twenty-nine, Crime Specialist Terry has made contact with the management at least six times.

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DAMIAN WALBURN

Yes.

COUNCILMAN BROWN

So, its not that the letter just stays there. You continue to be interactive with the applicant to see

DAMIAN WALBURN

Yes.

COUNCILMAN BROWN

that these things are being followed?

DAMIAN WALBURN

Yes.

AZALEA PERAL

I have been talking with Pam Terry, mainly because I call her because I report myself if Im going to be sick and Im not going to come to the property two or three days. She knows everything thats going on there. I had been doing the IDLs; they told me not to fax it to their office. I am faxing it to Mike Shendrick and I can provide you with the fax number so you can verify that they have been faxed.

MAYOR GOODMAN

I think its probably in your best interest, based on where we stand at this point in time, to let the Mayor Pro Tem make a motion, then youll have the opportunity to have an attorney with you, if you like

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AZALEA PERAL

Okay. That, thats fine.

MAYOR GOODMAN

and be able to give a full response to the allegations. I think thats a fairest way to handle this.

AZALEA PERAL

Okay. Well, thats perfectly fine. But if you read my letter of appeal, I thought I was complying with everything, except for the fact of hiring more security guards because its such a small property.

MAYOR GOODMAN

I understand. The problem is that Metro officers, they dont agree with you and thats the reason we find ourselves where we are today. So, I think its best that you have somebody whos able to represent your interest and probably more level playing field to help us make our decision.

AZALEA PERAL

Thats perfectly fine.

MAYOR GOODMAN

Okay, good. Mayor Pro Tem?

COUNCILMAN REESE

Thank you, Your Honor. I think

MAYOR GOODMAN

Its not a public hearing.

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AL GALLEGO

Well, I think you need to look at some facts that you, maybe you dont realize. My name is Al Gallego. Most of these phone calls have been made to 9-1-1 or to Metro had been done by this family, the majority of them.

MAYOR GOODMAN

Thats why I want her to have a lawyer with her.

AL GALLEGO

I understand that, but the majority of them, and another thing that I got kind of upset was, at the last City Council meeting this couple was here all day long. Nobody told them that it was going to be abeyed or anything. Have courtesy to tell that is going to be, that theyre not going to be here. They were here all day long from seven thirty until five oclock. Have a courtesy. And this woman, with 17 units, well, Im telling you, Im kind of dis, devastated of whats going on. Theyre trying to make just a little bit of money trying to clean up this motel. Its been vacant for years, years and years. That, Ive seen Metro down there all the time. Now they want to charge her for it? Thank you.

MAYOR GOODMAN

Right. All right, Mayor Pro Tem do you have a motion, please?

COUNCILMAN REESE

Yes, Your Honor. Im going to need Mr. Stills help here. In order to have a revocation hearing, I think we have enough evidence here to request that we have a revocation hearing. Is there a certain amount of time I have to give or what do we have to do? And during this period of time, what can I do or what can we, as a City Council, do to make sure that theres at least some kind of compliance, that there are licensed, regulated security people at this location during this time.

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DAN STILL

Ill try to take those one at the time. First, the revocation hearing, basically part of your motion could be to direct staff to move forward with the revocation hearing on this particular property that would then initiate Business Licensing to prepare a packet, send it to our office, the complaint would be prepared, put on the agenda, the Council would approve the complaint and the hearing date will be set. So, that would, Im guesstimating that would take probably 45 to 60 days. Within that period of time, I know youre concerned with what conditions you could put on the property in the meantime to try to get it under control. I would defer to Metro, but certainly the items, the seven items that they, that youve been talking about here seem to be the items that theyre identifying as things that this property owner could do.

COUNCILMAN REESE

But again though, they have asked her to do that in the past and she hasnt done that.

AZALEA PERAL

I have, Sir. I have.

MAYOR GOODMAN

See, thats going to be

AZALEA PERAL

You can verify that.

MAYOR GOODMAN

thats going to be the point of contention at the hearing.

DAN STILL

Well, but it could

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COUNCILMAN REESE

The one she says they have, we just asked her about security and she admitted she had not security.

AZALEA PERAL

Sir, those are the items that I appeal and that's the main reason why I appeal those items, because, to me, they seem unreasonable, to put two security guards, 24 hours a day in a 17-unit motel? You can cross that

COUNCILMAN REESE

Appar, apparently, it has to be, they have to have somebody there to make sure we don't have all these calls for service at this location.

AZALEA PERAL

We are there, Sir.

COUNCILMAN REESE

Well

AZALEA PERAL

And last month we only had seven units rented.

COUNCILMAN REESE

Okay.

AZALEA PERAL

Most of the place was vacant, so, I don't see where are those calls coming from. The rooms don't even have phones; we have one public phone that they asked me to be removed.

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MAYOR GOODMAN

Okay. I really

AZALEA PERAL

I always requested that.

MAYOR GOODMAN

I really think that you should save this for when youre back here the next time.

AZALEA PERAL

All right, if thats the case. But Im already doing everything theyve requested, except for the security guards.

MAYOR GOODMAN

Well, the first question I asked you, you said you didnt do it. So

AZALEA PERAL

Sir

MAYOR GOODMAN

take that for what its worth. Dont argue with me be

AZALEA PERAL

Okay.

MAYOR GOODMAN

its not going to do any good.

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AZALEA PERAL

All right. But my appeal letter is because of those security guards. You can read it. It says there clearly.

MAYOR GOODMAN

Okay.

COUNCILMAN REESE

I would ask staff to prepare a revocation hearing, as soon as possible, on Item 84. And I would also have, make in my motion, there has to be licensed security officers at this location until the public hearing.

MAYOR GOODMAN

All right. Thats it. And thats the motion. Now, I wanna warn you once again, Im trying to help you here by warning you, you should have a lawyer

AZALEA PERAL

Okay, fine.

MAYOR GOODMAN

have your lawyer get in touch with the officer, the Sergeant.

COUNCILMAN REESE

And I

MAYOR GOODMAN

Unfortunately, for you, youre going have to do what this motion says and thats hire a security guard whether you like it or not because if you dont do it when youre ordered to do it, that could result in criminal liability, and I would hate to have that happened to you.

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AZALEA PERAL

Yea, I Ill do it, even though its not affordable, but Ill do it.

MAYOR GOODMAN

Okay. But please work closely, either yourself or your lawyer with Metro to try to make sure that when you come back to us maybe well say, you know, you really made an effort and it might have some bearing on what were going to do.

AZALEA PERAL

It is surprising to me, Sir, that theyre saying that I havent make (sic) an effort when

MAYOR GOODMAN

Well

AZALEA PERAL

yesterday I talked with Pam Terry and she told me everything was okay.

MAYOR GOODMAN

well, apparently it's not, that's why we're here today.

AZALEA PERAL

Okay.

MAYOR GOODMAN

Okay.

COUNCILMAN REESE

Mr. Still, are there anything else we need to add to the motion?

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DAN STILL

Well, other than the security guards, Councilman Reese, I would defer to Metro. I when it comes to the background checks, I, if you want to have them do some kind, you know, impose some kind of a condition that the owner provides adequate proof to Metro on a regular basis, something to that effect, so that they can get that information. That's about the only other thing that I see within the seven items that would be effective, maybe, during this 45 to 60-day period.

COUNCILMAN REESE

(Inaudible). Damian?

DAMIAN WALBURN

Sir, even with the identification, okay, the IDL is something that's gonna be very proactive and help solve some of the problems for the officers' safety and public safety and awareness until the revocation hearing.

Going through the records and talking to Mr. Peral and the people in the office, you know, even accepting someone with identification as a patron would be wonderful, instead of seeing a copy of somebody's temporary custody record or a copy of somebody's ticket, in a room. That doesn't help us out because it could be somebody else totally different. We need picture IDs, we need things like that that are conducive to be an accountable as a management or owner. So, you know, when we've gone through records, we found things like that; TCR copies, copies of tickets. We need people that actually have, you know, identification, maybe a picture ID so you know who they are, so, that information is readily available because you're also going to weed out impropriety before you actually rent a room to that person.

COUNCILMAN REESE

Your Honor, if I could.

MAYOR GOODMAN

Yes.

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COUNCILMAN REESE

If you go over there this afternoon, is there records that you can see who's staying at this complex?

AZALEA PERAL

Absolutely, yes.

DAMIAN WALBURN

We were just there.

GIOVANI MINOLETTI

Councilman, we went there yesterday to do that check and it took at least, probably 20 minutes to half an hour for the manager in there to find the paperwork to hand to us. And most of it we require proof of background check to be done, IDL program, trespass program, room ledger, and we went, numerous times we've gone over with Ms. Peral. It took a half an hour to get just the people who were rented to the rooms and the other stuff was never found. We pulled one IDL that was done last week, but was never sent in.

AZALEA PERAL

Oh, no, that's absolutely not true.

GIOVANI MINOLETTI

And I should

AZALEA PERAL

I mean absolutely.

MAYOR GOODMAN

Make your motion.

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AZALEA PERAL

You can go, you can send somebody over and

MAYOR GOODMAN

All right.

COUNCILMAN REESE

I will

AZALEA PERAL

you can check all the files.

MAYOR GOODMAN

Just make a motion.

COUNCILMAN REESE

I will also

AZALEA PERAL

Everybody has an ID.

COUNCILMAN REESE

I would also make it a condition that they have the IDL checks available so that when the officers go in they can see who's staying at this motel. And that would be part of my motion.

MAYOR GOODMAN

All right, that's the motion. Let's vote on it, please. Post. Motion carries. **(Motion carried unanimously)**. Ms. Peral, when you get a lawyer, have them call Metro.

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AZALEA PERAL

I will, but you know what, you can send somebody over to the property

MAYOR GOODMAN

They already

AZALEA PERAL

check every file.

MAYOR GOODMAN

they did yesterday and didn't find what they wanted. So --

AZALEA PERAL

They're lying.

MAYOR GOODMAN

they're lying?

AZALEA PERAL

Yes, they are.

MAYOR GOODMAN

Well, that doesn't help you.

AZALEA PERAL

They are.

MAYOR GOODMAN

Let the

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AZALEA PERAL

I'm sorry, but they are.

MAYOR GOODMAN

That's why I say, you better get a lawyer because when you call them a liar, they get angry.

AZALEA PERAL

Yeah, I know. I know.

MAYOR GOODMAN

Okay.

AZALEA PERAL

All this issues is because of Officer Minoletti, that's the problem.

MAYOR GOODMAN

Okay, you're not helping yourself.

AZALEA PERAL

Yeah, I'll get a

COUNCILWOMAN TARKANIAN

Mr. Mayor?

MAYOR GOODMAN

Yes.

AZALEA PERAL

a lawyer.

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COUNCILWOMAN TARKANIAN

I would just like to say that, it's my understanding that Boulder Area Command has, in the area they represented downtown had a very significant decrease in crime, and I think it's because they have been this pro-active and this is maybe why we have a decrease in crime, which is what we need to build that great City downtown that you talk about. It's just what I want to say.

MAYOR GOODMAN

Okay. All right.

DAMIAN WALBURN

Thank you Mayor and Council.

MAYOR GOODMAN

We'll see you all back here.

COUNCILMAN REESE

Thanks.

(END OF DISCUSSION)

/ac;yy