



*Las Vegas*

Agenda Item No.: 86.

**AGENDA SUMMARY PAGE  
CITY COUNCIL MEETING OF: MAY 16, 2007**

**DEPARTMENT: NEIGHBORHOOD SERVICES  
DIRECTOR: STEPHEN HARSIN**

Consent  Discussion

**SUBJECT:** Public Hearing to assess inspection/re-inspection fees and civil penalties located at 920 W. Bonanza Road. **PROPERTY OWNER: MOULIN ROUGE PROPERTIES LLC Ward 5 (Williams)**

**Fiscal Impact**

No Impact  Augmentation Required

Budget/Funds Available

**Amount:** \$79,040.00

**Funding Source:** General Fund

**Dept./Division:** Neighborhood Services/Response

**PURPOSE/BACKGROUND:**

The units within the subject property were determined to be substandard, dangerous, and declared a public nuisance pursuant to the 1994 Uniform Housing Code. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken, the Department of Neighborhood Services assessed inspection/reinspection fees and civil penalties for each unit that failed an inspection. To date, there have been fifty nine (59) units inspected at this location.

**RECOMMENDATION:**

That the City Council: 1. Assess the inspection/reinspection fees in the amount of \$28,440, plus civil penalties in the amount of \$50,600, for a total of \$79,040, and that the charges be filed and recorded.

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Notice of Public Hearing
5. Chronological List of Events
6. Copy of the Notice and Claim of Lien
7. Submitted at meeting Summary of Additional Requirement, Memorandum by Dr. Lisa Morris, and Confession of Judgment and Affidavit of Verification for Items 86 and 87

Motion made by BRENDA J. WILLIAMS to Approve Items 86 and 87

## CITY COUNCIL MEETING OF: MAY 16, 2007

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

BRENDA J. WILLIAMS, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-LOIS TARKANIAN); (Excused-None)

### Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 86 and 87.



DEPUTY DIRECTOR LISA MORRIS, Neighborhood Services Department, requested Items 86 and 87 be heard together. MS. MORRIS gave a report on the subject properties, Desert Breeze Apartments I and II. On September 12, 2006, the City of Las Vegas received a complaint from a tenant regarding the living conditions at the Desert Breeze Apartments. Code Enforcement staff, Clark County Health Department and City of Las Vegas Fire Department inspected the properties and found multiple code violations, including health and safety issues requiring immediate attention. She described in detail the conditions of the properties, which were very poor and unsanitary including some units were without heat or air conditioning. Staff and/or designees were on site for several months to provide critical assistance on the issues and repairs needed. When no reasonable efforts were made to improve the conditions, staff issued a Notice and Order on January 17, 2007. On March 15th, staff received a letter stating a decision by the owners of the Desert Breeze Apartments had been made to close down the complex. Staff has been working with the owners/DES to develop a tenant incentive and relocation plan, which resulted in Clark County Social Services assisting eligible tenants. On April 11th, the tenants were issued a 30-day notice to vacate. To date, there are approximately eight tenants remaining in Desert Breeze I and Desert Breeze II is completely vacant. From March 6 through April 18, weekly inspections and reinspection were conducted based on the Notice and Order, resulting in a total of 232 inspections made on 59 units within Desert Breeze I and 147 inspections made on 33 units within Desert Breeze II.

DEVIN SMITH, Manager-Neighborhood Response, summarized the fees owed by the property owners. Regarding the property at 1001 West McWilliams Avenue, the total owed is \$18,780; civil penalties are \$31,300; optional daily civil penalties for 35 days totaling \$35,000. Regarding the property at 920 West Bonanza Road, the inspection and reinspection fees in the amount of \$28,440; civil penalties in the amount of \$50,600; an additional 35 days of civil penalties totaling \$35,000. It is staff's recommendation that Council impose all fees. There would be four equal payments totaling \$129,120, but the daily civil penalty fees would be waived.

CRAIG NEWMAN, 300 South Fourth Street, appeared on behalf of the applicant and confirmed that an agreement had been reached. MAYOR GOODMAN noted that during a briefing, there was concern that the City would be liable for the remaining eight individuals in Desert Breeze Apartments I. MR. NEWMAN responded that those remaining tenants received five-day notices to vacate. If not, an eviction would take place on the remaining tenants. The City is willing to assist if necessary. MAYOR GOODMAN was displeased with the blight and wanted to ensure that the property was demolished, as this particular area is making a comeback and did not want to see this impacting redevelopment. DR. MORRIS concurred.

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COUNCILWOMAN WILLIAMS was encouraged to see there was a resolution. She agreed the site was blight and did not want to see this as a standard for any ward. She then read the agreement, dated 5/16/2007, and submitted it into the record.

DEPUTY CITY ATTORNEY DAN STILL also submitted for the record the Confession of Judgment that was executed by the managing member of the LLC. Personal guarantees have also been provided by both managing members of the LLC.

MAYOR GOODMAN declared the Public Hearing closed for Items 86 and 87.

