



Las Vegas

Agenda Item No.: 62.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF OCTOBER 18, 2006

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT: Hearing, discussion and possible settlement containing petition for rehearing in the matter of the Department of Finance and Business Services on behalf of the City of Las Vegas, Nevada v. The Power Company, Inc. (d/b/a Crazy Horse Too - Ward B. Reese)

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available Dept. Division:

Amount:
Funding Source:

PURPOSE/BACKGROUND:

On September 6, 2006, the Las Vegas City Council revoked The Power Company, Inc.'s Tavern License No. L16-00003-4-000209 and imposed a fine. The Power Company, Inc. has timely petitioned for rehearing. LVMC 6.88.130 provides that "[s]uch motions shall not be granted except upon a showing that there is new evidence which is material and necessary and reasonably calculated to change the decision of the City Council and that sufficient reason existed for failure to present such evidence at the hearing of the City Council." The Power Company, Inc. alleges that the City Council had a conflict of interest concerning a proposed road project, that it has subsequently entered into a purchase and sales agreement for Crazy Horse Too, and that the Mayor has stated that he can participate in the rehearing.

RECOMMENDATION:

Denial

BACKUP DOCUMENTATION:

1. Submitted at meeting - Affidavit of Service by City Attorneys Office and Affidavit of Philip R. Byrnes and Exhibit 1 by City Attorneys Office
2. Submitted for final minutes Respondent The Power Company Inc., d/b/a Crazy Horse Toos Petition for Rehearing and Affidavit of Henry S. Stone, Esq. in Support of Petition for Rehearing
3. Combined Verbatim Transcript for Item 62 and 64

Motion made by GARY REESE to Approve to Withdraw

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-OSCAR B. GOODMAN); (Did Not Vote-None); (Excused-None)

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NOTE: MAYOR GOODMAN disclosed that he would be abstaining, on the advice of CITY ATTORNEY JERBIC that he has a conflict. CITY ATTORNEY JERBIC then clarified that, as previously disclosed, MAYOR GOODMAN, even though he had very little connection with his law firm, was listed as a member of the firm at the time that one of his partners was representing a co-defendant in a series of cases. During that period of time, there was also an insurance policy being paid by the firm. As a result, the argument could be made that the proceeds of the fees of the client could have been paying for the insurance policy. Therefore, this would present a conflict of interest, and the Mayor should abstain.

Minutes:

A combined Verbatim Transcript of Items 62 and 64 is made a part of the Final Minutes. See Item 64 for additional related backup.

APPEARANCES:

OSCAR B. GOODMAN, Mayor
BRAD JERBIC, City Attorney
GARY REESE, Mayor Pro Tempore
UNIDENTIFIED MALE SPEAKER
CHRIS CHRISTOFFERSON, Councilman
STEVE WOLFSON, Councilman
WILLIAM HENRY, Sr., Litigation Counsel
STEPHEN CARUSO, Attorney, representing the applicant
JIM DiFIORE, Manager, Business Services
MICHAEL SIGNORELLI, applicant
LOIS TARKANIAN, Councilwoman
LARRY BROWN, Councilman
STEVEN ROSS, Councilman
BARBARA JO RONEMUS, City Clerk
ANTHONY SGRO, Attorney, representing The Power Company, Inc.

