

**CITY COUNCIL MEETING OF  
August 16, 2006**

**VERBATIM TRANSCRIPT – ITEM 84**

1 **Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance**  
2 **located at 1616 S. Las Vegas Boulevard. PROPERTY OWNERS: COOK LIVING TRUST**  
3 **– C/O BROOKS ROBYNE J TRUST – C/O N COOK – Ward 1 (Tarkanian) [NOTE: As of**  
4 **August 6, 2006 this item is located in Ward 3 (Reese)]**

5

6 Appearance List:

7 OSCAR GOODMAN, Mayor

8 GARY LOGAN, Attorney

9 GARY REESE, Councilman

10 DAN STILL, Deputy City Attorney

11 DAMIAN WALBURN, Sergeant, Las Vegas Metropolitan Police Department, Downtown Area

12 Command

13 ROBYNE BROOKS, Owner

14 GIOVANI MINOLETTI, Las Vegas Metropolitan Police Department

15 JOAN BAJORQUES, Vegas Adventures Weddings

16 STEVE HOUSER, Eileen's Formal Wear

17 KARI HOUSER, Eileen's Formal Wear

18 JIM DiFIORE, Manager of Business Services

19 STEVEN D. ROSS, Councilman

20 LOIS TARKANIAN, Councilwoman

21

22 (1:09 – 1:51)

23

24 50 minutes

25

26 Typed by: Angela Crolli

27 Proofed by: Carmel Viado

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28 **MAYOR GOODMAN**

29 Okay. Eighty-four is a hearing to consider the appeal regarding the Notice and Declaration of  
30 Chronic Nuisance located at 1616 South Las Vegas Boulevard. The property owners are Cook  
31 Living Trust, Care Of Brooks Robyne J. Trust, Care of N. Cook. This is in Ward 1. As of  
32 August 6th, this item is located in Ward 3. So, it's in Ward 3 and the recommendation is that the  
33 City Council approve the Notice and Declaration of Chronic Nuisance.

34 Is anybody here on behalf of the –

35

36 **GARY LOGAN**

37 Yes, Your Honor.

38

39 **MAYOR GOODMAN**

40 – City?

41

42 **GARY REESE**

43 Who from the City is going to be handling it?

44

45 **MAYOR GOODMAN**

46 Mr. Still?

47

48 **DAN STILL**

49 Your Honor, Metro will make the presentation.

50

51 **MAYOR GOODMAN**

52 Oh, they are?

53

54 **DAN STILL**

55 Yes.

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56 **MAYOR GOODMAN**

57 All right. Fine. Yes, Sir.

58

59 **DAMIAN WALBURN**

60 Thank you, Sir. Like to start –

61

62 **MAYOR GOODMAN**

63 Please state your name for the record, please.

64

65 **DAMIAN WALBURN**

66 Sergeant Damian Walburn, Downtown Area Command, COP Sergeant. I'd like to first start out  
67 by explaining why we're here. We're actually here because of the chronic nuisance letter. We're  
68 going hand out several booklets for the Council so you can follow along with the presentation  
69 that we're gonna to make.

70

71 **MAROR GOODMAN**

72 Very good. Mr. Logan have a copy?

73

74 **GARY LOGAN**

75 I just received one, Your Honor.

76

77 **MAYOR GOODMAN**

78 All right. Very good.

79

80 **GARY LOGAN**

81 So, obviously, I haven't had an opportunity to go through it.

82

83 **MAYOR GOODMAN**

84 Right.

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85 **GARY LOGAN**

86 So, way beyond the basis of that alone we should move to continue this.

87

88 **MAYOR GOODMAN**

89 Well, I haven't seen it either, so we're sort of even.

90

91 **DAMIAN WALBURN**

92 You can actually follow along with it chronologically. We're actually gonna to have boards up.

93

94 **GARY LOGAN**

95 Well, for the record, Your Honor, we'll ask for a continuance.

96

97 **MAYOR GOODMAN**

98 Okay. Would you please state your names for the record.

99

100 **GARY LOGAN**

101 Gary Logan, Attorney at Law, representing the – Brooks Trust and the Cook Trust.

102

103 **MAYOR GOODMAN**

104 All right then.

105

106 **ROBYNE BROOKS**

107 And I'm Robyne Brooks.

108

109 **MAYOR GOODMAN**

110 Very good. Yes, Sir.

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111 **DAMIAN WALBURN**

112 Thank you, Mayor. The Chronic Nuisance letter was sent Certified Mail to respective owners of  
113 problematic properties. This is done to hold them accountable for impropriety by their tenants.  
114 Community oriented policing has been sending Chronic Nuisance letters out for over two and a  
115 half yeas. In over seventy certified letters that have been sent by our Chronic Nuisance detail,  
116 this is the first Chronic Nuisance appeal. To this point we have managed to meet with both  
117 management teams and owners to abate any problem and establish a working relationship.

118 How this project started at 1616 Boulevard South. In April 2006 a patrol sergeant conducted a  
119 designated patrol activity in the area of Oakey and the Boulevard South. The patrol sergeant  
120 advised me that he conducted an arrest on a subject for narcotics paraphernalia. The subject  
121 advised the sergeant that the contraband was purchased at the Oakey Discount Market located at  
122 1616 the Boulevard South, which we actually have pictured here. This is the front west and the  
123 side view of the store and this is the rear side view and southwest side of the store. The picture  
124 that we have here is a Nevada driver's license. This is actually the tenant and business owner at  
125 the Oakey Discount Market.

126 Furthermore, at this location, is a common place to buy glass roses and brillo pads. Both these  
127 items, collectibly (sic) are commonly used to smoke crack cocaine. The subject advised the  
128 sergeant that the contraband is kept behind the counter and that you have to ask for it. This  
129 information was then given to the, my community oriented policing officers.

130 On four thirteen two thousand and six, both COP and special investigation section, conducted an  
131 undercover narcotics paraphernalia buy at the Discount Market, at 1616 the Boulevard South,  
132 specifically the Oakey Discount Market. Mulugeta Bour, also known as Tony Bour, who is also  
133 pictured in the driver's license as a tenant there –

134

135 **MAYOR GOODMAN**

136 May I ask Sergeant, if Mr. Bour is here today?

137

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137 **DAMIAN WALBURN**

138 Let me check, please. Bour here? Yes, Sir. He is.

139

140 **MAYOR GOODMAN**

141 Okay. All right. Fine.

142

143 **DAMIAN WALBURN**

144 Tony Bour is behind the counter and the only employee at the store at the time. The undercover  
145 officer asked Mr. Bour for a "setup", which is used for the illegal introduction of a scheduled one  
146 narcotic into the human body. The officer paid three dollars and fifty cents and received one  
147 brillo pad and a glass rose inside a paper bag. Seized from the property on that date was three  
148 hundred and nineteen glass roses, also used for smoking pipes, a hundred and forty eight brillos  
149 used to filter cocaine, one sign, as viewed in the board, as advertisement, that I'll show you, and  
150 one brown paper bag.

151 Mr. Bour was arrested for the following sale of narcotics paraphernalia. He was also cited by  
152 special investigations section for having an expired health permit. The permit had actually  
153 expired on six thirty of 05, the year before. Tony Bour felony arraignment in front of Judge  
154 Mosley currently is scheduled for August 24th two thousand and six for arraignment at this time.

155

156 **MAYOR GOODMAN**

157 When did the arrest take place?

158

159 **DAMIAN WALBURN**

160 On the same day that I read you, which is the 13th.

161

162 **MAYOR GOODMAN**

163 Of what?

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164 **DAMIAN WALBURN**

165 April.

166

167 **MAYOR GOODMAN**

168 Was he taken into custody.

169

170 **DAMIAN WALBURN**

171 Yes, Sir. He was arrested for a felony.

172

173 **MAYOR GOODMAN**

174 And then released on bail?

175

176 **DAMIAN WALBURN**

177 Released on bail?

178

179 **GIOVANI MINOLETTI**

180 Yeah.

181

182 **DAMIAN WALBURN**

183 Yes, Sir.

184

185 **MAYOR GOODMAN**

186 Thank you.

187

188 **DAMIAN WALBURN**

189 Also of note and importance, Mr. Bour stated on April 25th of two thousand and six, to Officer

190 Minoletti, who's standing behind me, that he profits between a thousand and twelve hundred

191 dollars cash net each and every month.

192

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192 **MAYOR GOODMAN**

193 From the sales of these items?

194

195 **DAMAIN WALBURN**

196 Yes, Sir.

197

198 **MAYOR GOODMAN**

199 All right.

200

201 **DAMIAN WALBURN**

202 Efforts and correspondence with the owner, who's standing to my left, Mrs. Brooks, and also  
203 with her legal advisor, Mr. Logan. On April 27th of two thousand and six, the Chronic Nuisance  
204 Detail had a twenty-minute conversation with the owner, Robyne Brooks regarding the culpable  
205 actions by Tony Bour and his felony arrest. The officer discussed terminating the lease from Mr.  
206 Bour. On May 1st two thousand and six, the Chronic Nuisance Detail sent a Certified Chronic  
207 Nuisance letter to Robyne Brooks. On May 15th of two thousand and six, the Chronic Nuisance  
208 Detail spoke with Gary Logan, her legal advisor, to my left, and Mrs. Brooks legal advisor and  
209 advised us that they would be appealing the process. At the end of May Robyne spoke with the  
210 Chronic Nuisance Detail and told Officer Minoletti, standing behind me, that Tony's case had  
211 been dropped. The reason for this is they were not going to do anything against Mr. Bour  
212 because Mr. Bour had told them that his case was dropped from a felony to a misdemeanor.

213 On June 22nd –

214

215 **MAYOR GOODMAN**

216 Is there any – evidence which would support that?

217

218 **DAMIAN WALBURN**

219 There is evidence, Sir. We actually have correspondence with one of the City Attorneys in the

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220 Criminal Division who confirmed that, in fact, it is going in for the 24th in front of Judge  
221 Mosley.

222

223 **MAYOR GOODMAN**

224 For a felony?

225

226 **DAMIAN WALBURN**

227 As a felony.

228

229 **MAYOR GOODMAN**

230 As a felony.

231

232 **DAMIAN WALBURN**

233 Yes, Sir.

234

235 **MAYOR GOODMAN**

236 All right.

237

238 **DAMIAN WALBURN**

239 On June 22nd two thousand and six, Ms. Brooks, Gary Logan, my COP detail, the City Attorney,  
240 Dan Still, and Business Licensing, Jim Rickett, met with both parties to come up with a positive  
241 solution to collectively abate the problem. Case in point, we're going to need a appeal process  
242 today.

243 Talk a little bit about the character history of Mr. Bour, and I'm going to refer to the boards on  
244 this. On this one here, this actually shows the health permit and it's dated back for date expired  
245 on six thirty of 05; however, on the 13th he was cited for no health permit; shows almost a one-  
246 year lapse in that.

247 Let's flip to the other board. If you look here, there's a picture in the middle, and this is actually  
248 narcotics paraphernalia. There's brillos, which are used to filter the crack cocaine and when

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249 they're put inside, they have a smoking pipe. Some various smoking pipes are pens. There's  
250 actually pipes that you can buy and also glasses. The one here in the middle is a glass pipe. This  
251 is actually what the roses came in and what Mr. Bour was selling behind the counter.

252 If you go to the, actually keep it here. If you look here, these are Nevada business registration  
253 forms. The first one on the top is dated May 2nd of two thousand and two, and this is actually for  
254 his second property, at 113 North 4th Street and the second one at the bottom is dated on January  
255 22nd of two thousand and three, for the property at 1616 Boulevard South.

256

257 **MAYOR GOODMAN**

258 (Inaudible)

259

260 **DAMIAN WALBURN**

261 The reason that I put the picture here with the Nevada business registration forms is the fact that  
262 when a person goes in and registers for a business license, he or she is shown this  
263 picture. They're also taught and given a video, as well as a five-minute introduction by the clerk  
264 at the window that these are the types of contraband items that should not be sold to the public.

265 Go to the next picture. Let's talk about this. This next picture here is what I called over the  
266 counter. If you look over to the register here, it's got a sign: "if you don't see what you want,  
267 please ask for it". That's actually right over the register. As you look down inside the register  
268 here, he's got brillos and glass pipes that are actually inside the drawer. He just opens up the  
269 drawer till, where you would keep money, pulls out the glass pipes.

270 Here we have boxes of Chore Boys, which are also brillo pads consistently used to filter the  
271 cocaine, and then another case of roses. And the pictures here, on the bottom, are pictures, that  
272 are right behind the counter, where it shows where he has his stuff packaged, and then the look  
273 inside the bag you can see he has Chore Boys inside the bag as well.

274

275 **MAYOR GOODMAN**

276 I think the record should reflect that, at least some of the Councilmembers, have had ourselves  
277 educated, and some of the new Councilmembers may not be as educated as perhaps Councilman

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278 Reese, Councilman Brown, myself and Councilman Weekly, who addressed these issues several  
279 years ago, particularly on the west side. And we took a very hard stance that anybody who is  
280 engaging in the sale of these kind of items, is definitely engaging in the sale of narcotics  
281 paraphernalia. And perhaps, so I see Councilman Ross, I don't think he's ever taken crack  
282 cocaine. I'm don't know whether you take crack cocaine or you inject, I don't know the right  
283 phrase, but I'm sure you've had very little dealings with crack cocaine as has Councilwoman  
284 Tarkanian. Why don't you tell 'em how these are used so that the public can be educated, as well  
285 as my Council.

286

287 **DAMIAN WALBURN**

288 Sir, I'm glad you asked. And actually on this board here, this is actually, we start here at the top  
289 with the –

290

291 **MAYOR GOODMAN**

292 I'm wondering whether you can put it down –

293

294 **DAMIAN WALBURN**

295 Absolutely.

296

297 **MAYOR GOODMAN**

298 – so we can have the overhead because I think this is an important lesson. What appears to be,  
299 and this is what confused me, when I first began to consider these kind of items, everything  
300 seemed to be legal, and you know, legit, but when purchased and mixed together, it definitely is  
301 a vehicle to ingest crack cocaine. Are we able to see it on the overhead?

302

303 **DAMAIN WALBURN**

304 No, Sir.

305

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305 **MAYOR GOODMAN**

306 No. Okay. All right. Well, we tried. Is it on? Okay. Good. Yes, we are.

307

308 **DAMIAN WALBURN**

309 I'm actually gonna try and move this around just a little bit.

310

311 **MAYOR GOODMAN**

312 Good. All right.

313

314 **DAMIAN WALBURN**

315 If you look at the top, I have it titled "Advertisement". You see a sign that is attached to the  
316 cigarette advertisement over the register. It says, "If you don't see what you want, please ask for  
317 it". If you add that sign with advertisement with the next picture, we actually have the Chore  
318 Boy filters with the next picture, which actually is the glass roses. This is what you get on the  
319 bottom. It's also called the "setup" which is what he was selling it for. It comes in a paper bag.  
320 You get a Chore Boy and a glass. When you take some of the filter out and you put it inside the  
321 glass pipe and you have to break the end off of it, a person who's co-dependant on crack cocaine  
322 will actually put the crack cocaine inside the glass and smoke it with a lighter or a match and it'll  
323 heat and filter it up and through. And that's how it's used, Sir.

324 Next I'd like to show some forms that come from both taxation in the State of Nevada and also  
325 through City Business Licensing. On the top here, we have a form where it actually shows in the  
326 year two thousand and two on, dated August 15th, pre-agent inspection by Agent D. Outland  
327 with Business Licensing, found behind the counter mini baggies, Chore Boys and blunt wrappers  
328 at his other address.

329 Second there's a letter here from Jim DiFiore, who's present today, in Council, and this is in  
330 regards to 1616 South Las Vegas Boulevard, where the City warns Mr. Bour because he was  
331 taking beers out of six-packs cans and selling them individually in which is also against Nevada  
332 Revised Statute.

333 On the bottom here, I have a picture and what you'll see there is a bucket and next to that you'll

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334 see an open pack of cigarettes and next to that you see individual cigarettes. It's illegal to sell  
335 those separately; however, he was caught doing that and those items seized on the same date of  
336 arrest on April 13th.

337

338 **MAYOR GOODMAN**

339 And how do individual cigarettes play into the smoking of crack cocaine?

340

341 **DAMIAN WALBURN**

342 Well, just the impropriety alone shows his character and his behavior on what he's actually  
343 willing to do to make a dollar.

344

345 **MAYOR GOODMAN**

346 Okay, but it doesn't have any relevance as far as the crack.

347

348 **DAMIAN WALBURN**

349 No, Sir

350

351 **MAYOR GOODMAN**

352 Okay.

353

354 **DAMIAN WALBURN**

355 And to the left of that, I actually have a form, which was a follow up done by taxation where he  
356 was warned again for improprieties on his property. Thank you.

357 The – other thing that I'd like to talk about is the timeline in the County and City hours that have  
358 been invested to this point. For total person hours, in our unit, and this is combined with SIB,  
359 we have a hundred and twenty-nine hours. Total hours with the City of Las Vegas, Business  
360 Licensing, Code Enforcement, Las Vegas Fire, taxation and gaming, we have a total of a  
361 hundred and forty-eight hours from the time this thing was walked down the hall by the patrol  
362 sergeant to where we stand vested here in the Council.

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363 I had talked to communications earlier and I also have a video that I'd like to queue up. It's  
364 about three minutes when Mr. Bour was actually in this Council here today, two weeks after he  
365 was arrested on a felony crime, and three respected persons of the Board here had asked him if  
366 he's had any improprieties at the same address that's in question now. And I'd like to play that  
367 up, if we might.

368

369 **MAYOR GOODMAN**

370 I wish you wouldn't play it, and I'll tell you why, okay?

371

372 **DAMIAN WALBURN**

373 Yes, Sir.

374

375 **MAYOR GOODMAN**

376 I'm gonna let you play it, but I'll tell you why I wish you wouldn't play it, 'cause I'm hot.

377

378 **DAMIAN WALBURN**

379 Yes, Sir.

380

381 **MAYOR GOODMAN**

382 I'm really hot at Mr. Bour. He stood before us and let me say nice things about him because I  
383 used to walk past the establishment where he worked on Fourth Street and would say good  
384 morning to him, and I thought that he was decent person. And he let me say nice things about  
385 him when he knew that he's not a nice person, and I'm angry at him, I want you to know that.  
386 So, let – let's see it.

387

388 **DAMIAN WALBURN**

389 This isn't the video.

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390 **MAYOR GOODMAN**

391 No, that's, this is, that looked like Henderson. Are they, queuing the next video?

392

393 **DAMIAN WALBURN**

394 Believe so, Sir. It should have been queued up and right on par, three minutes and, I think, 25  
395 seconds.

396

397 **MAYOR GOODMAN**

398 Okay. If there's a problem in the back there, please let us know.

399

400 **DAMIAN WALBURN**

401 It's on its way. The tape is on its way.

402

403 **MAYOR GOODMAN**

404 Here we go. Is there a (sic) audio as well? Is there sound to it?

405

406 **DAMIAN WALBURN**

407 Yes, Sir. There's audio and video. Yes, Sir.

408

409 **MAYOR GOODMAN**

410 Okay.

411

412 **(VIDEO FROM PLANNING COMMISSION MEETING SHOWN)**

413

414 **MAYOR GOODMAN**

415 This is – before the Planning Commission.

416

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416 **(VIDEO FROM PLANNING COMMISSION MEETING SHOWN)**

417

418 **MAYOR GOODMAN**

419 Excuse me, Sergeant, is (inaudible). That's April 27th, is that before or after he was arrested?

420

421 **DAMIAN WALBURN**

422 This is two weeks after he was arrested on a felony, Mayor.

423

424 **MAYOR GOODMAN**

425 Right, didn't have any problems at 1616, right?

426

427 **DAMIAN WALBURN**

428 No problems, Sir.

429

430 **MAYOR GOODMAN**

431 Okay.

432

433 **(VIDEO FROM PLANNING COMMISSION MEETING SHOWN)**

434

435 **MAYOR GOODMAN**

436 Thank you.

437

438 **DAMIAN WALBURN**

439 That's the end of the video, Mayor.

440

441 **MAYOR GOODMAN**

442 Right –

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443 **DAMIAN WALBURN**

444 And –

445

446 **MAYOR GOODMAN**

447 – that was not before the Council, that was before the Planning Commission.

448

449 **DAMIAN WALBURN**

450 Yes, Sir – In my, in conclusion, I want to make something perfectly clear, we're not looking for  
451 any – civil penalties against Mrs. Brooks. In closing I'd like to set two goals and respectfully  
452 request for that. One of the two goals is the revocation of Mr. Bour's business license, short time  
453 goal, and I believe a solution, at least, until a revocation can be set forth, if it was granted, is that  
454 they only be required to provide 24-hour, seven-day-a-week vetted by LVMPD security, which  
455 is our license and bonded and being cleared through us before those persons be posted. And  
456 there's also some witnesses in the audience. They're here to testify against the property at 1616  
457 Boulevard South, Mayor.

458

459 **MAYOR GOODMAN**

460 All right. Fine. Do you want those people address us and then we can hear from Mr. Logan?

461

462 **DAMIAN WALBURN**

463 Yes, Sir. If I may add, I'd like to call Joann and Glen up front, please, from Vegas Adventures  
464 Weddings.

465

466 **MAYOR GOODMAN**

467 All right. When you come up, please, give us your name and address.

468

469 **JOAN BAJORQUES**

470 Good morning, good afternoon, Mayor. I'm Joan Bajorques. We have just come up into getting  
471 the wedding chapel, which is on the north side of the strip mall, and just as of yesterday, we

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472 received a temporary occupancy pending a couple things getting done. So, we're, we are ready to  
473 almost open up. During this period of time where we've been under the renovations, we have so  
474 many people hanging out in our parking lot. The single bags with single sold, something,  
475 alcohol, whatever. The gutter's completely lined with trash. They sit on the parking bumpers in  
476 front of our store. They hang out by our door; put their feet up on the wall. I'm concerned  
477 because they open up the door. We're gonna to be open into the evening. My wedding  
478 coordinator is petrified. I'm afraid.

479 So, all of this trash that keeps coming through by our front door; there's urine. Our customers  
480 then go right around the corner to Eileen's Formal Wear. This is daytime: puddles of urine,  
481 boxes of trash, garbage everywhere. At night the problems are gonna get worse. Eileen's closes  
482 before, we are going to be open late into the evening. I fear for myself. My wedding coordinator  
483 and I have discussed bringing our dogs. How many wedding chapels have to have dogs inside so  
484 women working there, trying to make a living, are gonna feel comfortable. Our windows get  
485 washed; they're just gonna come pee on the windows. This is a beautiful, we have spent so much  
486 money getting the renovations inside and now from the outside we have a constant flow of bums,  
487 trash, bottles, obviously single bottles in brown paper bags and they're doing this so I'm  
488 assuming it's drinkable alcohol.

489 And I'm just appalled at the fact that now that we've committed, we're in there, that we have this  
490 issue that we spending so much money a month on lease and what is it gonna look like when  
491 people who are in wedding gowns trudging through a bunch of puddles of urine and kicking  
492 boxes of trash? I'm just extremely concerned. I'm, here we spent all the money, we're already in  
493 there, we're committed to a three-year lease.

494

495 **MAYOR GOODMAN**

496 I appreciate it. I understand what you're saying.

497

498 **JOAN BAJORQUES**

499 Okay.

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500 **MAYOR GOODMAN**

501 Right. The one thing, I'm not going to joke about this and I understand this is a serious issue. It  
502 is, but we appreciate it.

503

504 **JOAN BAJORQUES**

505 Thank you.

506

507 **MAYOR GOODMAN**

508 All right.

509

510 **JOAN BAJORQUES**

511 I know that someone from Eileen's right next door to us –

512

513 **MAYOR GOODMAN**

514 Sure.

515

516 **JOAN BAJORQUES**

517 – was gonna also speak.

518

519 **MAYOR GOODMAN**

520 Be happy to hear from them.

521

522 **JOAN BAJORQUES**

523 Okay.

524

525 **STEVE HOUSER**

526 Steve Houser from Eileen's.

527

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527 **KARI HOUSER**

528 Hi, I'm Kari Houser from Eileen's.

529

530 **MAYOR GOODMAN**

531 Be happy to hear from you, folks.

532

533 **STEVE HOUSER**

534 We've been here before.

535

536 **MAYOR GOODMAN**

537 Yes.

538

539 **STEVE HOUSER**

540 We moved here about October of last year. We went through the 702 rule problem, which we  
541 have more problems there. The problem we've really had, we'd come in contact with and I –  
542 never had a problem with Tony personally. I, the problem we're having with all the bums and not  
543 just the urine and the poop and the throwing up. We've had bums pass out, and my wife will tell  
544 'cause I'm not there at night, she's the one closing, but they pass out in the front door. I, in the  
545 morning I have to go out and clean up the pee off the front door 'cause you can't walk through  
546 the place, with this heat it's just – In the back of the store there's these needles and condoms; it's  
547 gross.

548

549 **MAYOR GOODMAN**

550 Okay, it sounds like Circle Park.

551

552 **STEVE HOUSER**

553 It's – even worse sometimes and –

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554 **MAYOR GOODMAN**

555 Okay, but I mean, that's what we're up against and that's why we are going to do something as a  
556 Council when it comes to these kind of issues. We passed an ord, we didn't pass the new  
557 ordinance? I guess we had the first reading of the ordinance this morning on public urination and  
558 defecation, and we're gonna enforce it. This is like deja vu all over again. What you're talking  
559 about is the same kind of conduct that makes it uninhabitable and unenjoyable to have a quality  
560 of life in this part of town, and we're just not going to tolerate it.

561

562 **STEVE HOUSER**

563 Well, we've had our business downtown for 15 years. This is the worst and – it's hurting our  
564 business.

565

566 **MAYOR GOODMAN**

567 Okay, we appreciate it. We understand where you're coming from.

568

569 **COUNCILMAN REESE**

570 (Inaudible)

571

572 **MAYOR GOODMAN**

573 We will. It's that it, Sergeant?

574

575 **DAMIAN WALBURN**

576 Yes, Mayor. Thank you.

577

578 **MAYOR GOODMAN**

579 All right. Very good. Mr. Logan?

580

581 **GARY LOGAN**

582 Thank you, Your Honor.

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583 **ROBYNE BROOKS**

584 May I respond?

585

586 **GARY LOGAN**

587 I'll let Mrs. Brooks.

588

589 **ROBYNE BROOKS**

590 Let me respond that only yesterday did my two tenants call me and tell me of the issues. Never  
591 before did they address it to me, but they did tell me they were going to come down and speak  
592 today, so I was prepared. My question to them was, why hadn't you told me? And on another  
593 defense, we do have a maintenance man that does go down and pick up stuff. He's down there  
594 once a week painting out the graffiti. The graffiti is terrible. So, we – are aware of that and we  
595 have been trying to address it. I was not aware of the urination issue as bad as it was until today.  
596 Over the last two years, Mayor, we have put two hundred and fifty thousand dollars into that  
597 building. It used to be a Warehouse Records. When Warehouse went out and filed BK, before we  
598 could open up and divide it up because they had leased basically the entire building, before we  
599 could open it up because of the codes in the City, we spent over two hundred and fifty thousand  
600 dollars bringing that up to code now, and obviously I want to maintain it. It's a nice income  
601 string for my family. I want to maintain it as well as I can.

602

603 **MAYOR GOODMAN**

604 Sure. Excuse me one second.

605

606 **ROBYNE BROOKS**

607 Please.

608

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608 **MAYOR GOODMAN**

609 All right. Mr. Logan.

610

611 **GARY LOGAN**

612 Your Honor, the one thing that Metro failed to advise the Council of, is the fact that I had a  
613 discussion with a member of the City Attorney's Office as a result of a request from Metro for  
614 my client to terminate the lease. My client doesn't have a right under the terms of the lease to  
615 terminate it. There is no clause in the lease which gives her that right. And I said to Metro at this  
616 meeting they referred to, which I believe was in April, move to revoke his license.

617

618 **MAYOR GOODMAN**

619 Okay. Well, I think we're all in the same page, Mr. Logan, to be quite frank with you. I –

620

621 **GARY LOGAN**

622 And for the first time, may I interrupt you, Your Honor?

623

624 **MAYOR GOODMAN**

625 Sure.

626

627 **GARY LOGAN**

628 Today is the first time I learned –

629

630 **MAYOR GOODMAN**

631 My wife does, why can't you?

632

633 **GARY LOGAN**

634 – today is the first time that I learned that the former establishment had its license revoked for  
635 the same activity.

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636 **MAYOR GOODMAN**

637 Okay, well. I think based on the recommendation of Metro, I think that this can be resolved. I  
638 think that your tenants can have a degree of comfort if, in fact, you're able to get that 24-hour  
639 security there, if you have no problem with that.

640

641 **COUNCILMAN REESE**

642 Can I –

643

644 **MAYOR GOODMAN**

645 Sure, certainly Mayor Pro Tem, it's in your Ward.

646

647 **COUNCILMAN REESE**

648 Can I have Mr. DiFiore come up, please? Your Honor, with your permission, I would like to ask  
649 Mr. DiFiore if – he's heard enough evidence today, does he think we can have this brought  
650 forward at a later date for revocation of this license?

651

652 **JIM DiFIORE**

653 Absolutely. I think with the history of the activity that's gone on at this business, with this being  
654 the top of the mountain of problems that we've had there, I think this is grounds for disciplinary  
655 action at a – later date.

656

657 **COUNCILMAN REESE**

658 Okay. And I – guess to me, I would just put the building owner on notice, as far as I feel that, at  
659 this location because the past history and I was aware of the history before, that has been going  
660 on there, the revocation of the license before, that at this location I'm not gonna support more  
661 alcohol sales at this location. So, if you – go to lease or for whatever reason, alcohol will not be  
662 included in it. And that's as far as, that's me personally how I feel. I feel this – neighborhood has  
663 to be cleaned up and this is a, I think, it's the right step that we're going to take.

664 I – certainly support Metro – recommendation, if you feel like you can hire the security until

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665 such time that we can have a special hearing on the revocation of the license. She's saying,  
666 shaking her head yes.

667

668 **ROBYNE BROOKS**

669 I will – yes, I will talk to the tenants. We've been speaking about security, so, we'll divide that  
670 amongst all of us. Absolutely, we will.

671

672 **COUNCILMAN REESE**

673 Okay.

674

675 **ROBYNE BROOKS**

676 I'll get with these gentlemen so they can tell me who I should call.

677

678 **COUNCILMAN REESE**

679 Okay. So then, Your Honor, if there're no other questions, I'm gonna make a motion then.

680

681 **MAYOR GOODMAN**

682 Al right. Very good.

683

684 **COUNCILMAN ROSS**

685 Mayor – Pro Tem, Your Honor.

686

687 **MAYOR GOODMAN**

688 Yes.

689

690 **COUNCILMAN REESE**

691 Yes.

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692 **COUNCILMAN ROSS**

693 I just have one question. Mayor Pro Tem is to add to that, to help me understand this. Mr.  
694 DiFiore said at a later date that he will direct the City staff and Metropolitan Police Department  
695 to –

696

697 **COUCILMAN REESE**

698 As soon as possible.

699

700 **COUNCILMAN ROSS**

701 As soon as possible. Is that possible to do that?

702

703 **COUNCILMAN REESE**

704 Yes.

705

706 **COUNCILMAN ROSS**

707 Thank you.

708

709 **COUNCILMAN REESE**

710 Mr. DiFiore said yes.

711

712 **COUNCILWOMAN TARKANIAN**

713 Mr. Mayor?

714

715 **MAYOR GOODMAN**

716 Yes.

717

718 **COUCILWOMAN TARKANIAN**

719 I just wanted to add, I – think that we should express our appreciation and respect to Metro. This  
720 has been going for months to be able to reach this point for something like this can be done. And

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721 it was only through those hard, that hard work and those efforts and the individuals that you  
722 mentioned that you had worked with. And these are things that need to be cleaned up, and these  
723 are things why some of the ordinances are being changed, you know, that you signed off on  
724 recently, Mr. Mayor. And I just know that the whole Council appreciates it very much.

725

726 **DAMIAN WALBURN**

727 Thank you.

728

729 **MAYOR GOODMAN**

730 And we got a new nuisance ordinance now. We have this urination and defecation ordinance. I  
731 mean, it's sounds so stupid that we have to have ordinances to stop people from doing this, but  
732 there are a lot of stupid people out there.

733

734 **COUNCILMAN REESE**

735 And I'd also like to thank Councilwoman Tarkanian and her staff for working with Metro on this  
736 issue for as long as they have. I know that it's, sometime it's really, really tough to get something  
737 put on the agenda and make sure that we got all our t's crossed and i's dotted. And I too want to  
738 thank Metro.

739 **And Your Honor, I'm gonna make a motion that we follow staff's recommendation for**  
740 **them to work with Metro, hiring a 24-hour, seven-day-a-week security until such time that**  
741 **we can have a revocation hearing. And I'd like to ask staff to expedite that as soon as**  
742 **possible. And again put the – owner of the market on notice that we are going to be doing**  
743 **this. He's here and he does know. With that, Your Honor, that's my motion.**

744

745 **MAYOR GOODMAN**

746 Al right. Very good. All right. Let's vote, please. Post. Motion carries. **(Motion carried**  
747 **unanimously)**

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748 **COUNCILMAN REESE**

749 I would like to thank those from the neighborhood for coming down today and giving us their  
750 input. I think it's very important that we know what's going on over there.

751

752 **MAYOR GOODMAN**

753 Al right. Good luck to you.

754

755 **GARY LOGAN**

756 Thank you.

757

758 **DAMIAN WALBURN**

759 Thank you.

760

761 **(END OF DISCUSSION)**

762 /ac;cv