

DRAFT

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 18, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Hearing, discussion and possible action concerning 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 3 (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 Attorney's Office
2. Submitted at Meeting: Affidavit of Philip R. Byrnes and Exhibit 1 by City Attorney's Office
3. Submitted at Meeting: Operating Sublease labeled No. 5 by City Attorney's Office for Items 62 and 64
4. Submitted at Meeting: Operating Sublease labeled No. 6 by City Attorney's Office for Items 62 and 64
5. Submitted at Meeting: Written Comments from Tom McGowan for Items 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

Submitted after final agenda

Date 10/31/06 Item 43a

WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-OSCAR B. GOODMAN); (Did Not Vote-None); (Excused-None)

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.

APPEARANCES:

OSCAR B. GOODMAN, Mayor
BRAD JERBIC, City Attorney
GARY REESE, Mayor Pro Tem
CHRIS CHRISTOFF
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

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 18, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

Consent Discussion

SUBJECT:

ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Tavern License, Nevada Receivership, LLC, dba Crazy Horse Too, 2476 Industrial Road, Michael J. Signorelli, Managing Mmbr, 100% - Ward 3 (Reese)

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of a new Tavern License.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on September 20, 2006. Based on a review of the SCOPE printouts furnished to this Department by the applicant, we have determined he is preliminarily suitable to hold a temporary tavern license until the investigation is complete.

In the event the Special Investigations Section, Las Vegas Metropolitan Police Department, should develop an area of concern with this individual, this item will be brought back before Council for appropriate action.

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting.

BACKUP DOCUMENTATION:

1. Map
2. Submitted at Meeting: Copy of the conditions as read for the record by Jim DiFiore
3. Submitted at Meeting: Corrections to the submitted conditions submitted by Brad Jerbic

Motion made by GARY REESE to Approve the temporary license, with a three-month review and subject to the following conditions:

A. No person associated as a defendant, including Frederick Rizzolo, in U.S. District Court Cases 2:06-CR-186-PMP-PAL, 2:06-CR-188-PNP-PAL, CR-S-05-007-KDJ, KJD (LRL), shall be permitted on the premises of the business. The defendants, including Frederick Rizzolo, are further prohibited from operating, controlling or participating in any way with the operation of the business.

B. No person associated with the ownership of the Power Company, Inc., nor its management, including Annette Rizzolo Patterson, the bookkeeper, Frederick Rizzolo or Bartholomew Rizzolo will be permitted on the premises of the business. Further, Frederick Rizzolo, Bartholomew Rizzolo and Annette Rizzolo Patterson are further prohibited from operating, controlling or participating in any way with the operation of the business.

C. The photographs and names of the prohibited persons in Special Condition No. 1 and 2 shall be made available to all individuals responsible for the operation of the business, in order that the business complies with Special Condition No. 1.

D. Any violation of these conditions or special conditions, or any violation of any local, state or federal law shall allow the Business Services Director or Manager to administratively suspend the liquor license. The applicant understands that he has a right to appeal the suspension at the next regularly scheduled City Council meeting, subject to the Open Meeting Law.

E. The applicant shall be permitted a seven-day transition period for Bartholomew Rizzolo and Annette Rizzolo Patterson.

F. Paragraph 23, regarding Entry and Inspection, of the Sub-lease shall be amended to include language that any designated agent or agents shall be subject to approval by the Business Services Manager or Director before being allowed on the premises, and that the Business Services Manager or Director shall be notified prior to any inspections

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)

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. Please see Item 62 for any related backup documentation.

APPEARANCES:

OSCAR B. GOODMAN, Mayor
BRAD JERBIC, City Attorney
GARY REESE, Mayor Pro Tem

CHRIS CHRISTOFF
STEVE WOLFSON, Councilman
WILLIAM HENRY, Sr. Litigation Counsel
STEPHEN CARUSO, Attorney, representing the applicant
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