



Las Vegas

Agenda Item No.: 48.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF SEPTEMBER 2, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☒ Discussion

SUBJECT:

ABEYANAYAKA ITEM - Discussion and possible action regarding an Appeal of Work Card Denial for Gregory Lloyd, dba at Zada's Ice Cream, 2850 East Charleston Boulevard - Ward 3 (Reese)

Fiscal Impact:

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No Impact

☐ Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding an Appeal of Work Card Denial.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve subject to the following conditions as read for the record:

- A. A temporary work card, business specific and non-transferrable to any other business.
- B. A six-month review.
- C. If Zada's Ice Cream's business operations are discontinued, the temporary work card shall be surrendered to the Las Vegas Metropolitan Police Department Special Investigations.

Passed For: 4; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 1

RICKI Y. BARLOW, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE; (Against-STEVEN D. ROSS, STAVROS S. ANTHONY); (Abstain-None); (Did Not Vote-None); (Excused-LOIS TARKANIAN)

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Minutes:

JIM DiFIORE, Business Services Manager, briefly explained the work card appeal process. He stated that GREGORY FLOYD's wife, JODI FLOYD, owns and operates an ice cream truck business known as Zadas Ice Cream. MR. FLOYD had applied for his work card so he could assist his wife in the operation of this business.

GREGORY and JODI FLOYD were present. MR. FLOYD acknowledged his criminal record, but stated that he had been trouble-free for the past 10 years. He requested his work card so he could help put his children through college. He stated that he had not reviewed the report from the Las Vegas Metropolitan Police Department (Metro).

MAYOR GOODMAN requested clarification of the report's findings and COUNCILMAN WOLFSON observed that MR. FLOYD had been convicted of some felonies and required to register as a felon. SERGEANT GLEN LOWE, Metro Special Investigations, explained that the report states MR. FLOYD's criminal history.

In response to MAYOR GOODMAN'S questions, MR. FLOYD explained that he had registered as an ex-felon in the Cities of Las Vegas and North Las Vegas. Regarding the 1999 conviction, he stated that he had served 11 months in the Nevada Department of Corrections High Desert State Prison and subsequently served four months of parole before he was honorably discharged.

MR. FLOYD informed COUNCILMAN ANTHONY that he had been 47 years old when he was convicted in 1999. COUNCILMAN ANTHONY expressed concern with the trafficking and possession of controlled substance with the intent to sell conviction and MR. FLOYD'S age when he was convicted. He noted that an ice cream truck driver would be working with children and stated he could not support MR. FLOYD'S request for a workcard.

CITY ATTORNEY BRAD JERBIC explained that ice cream truck drivers are required to obtain work cards because they will have positions of trust and contact with children. The City regulates the industry to keep sex offenders or anyone who wishes to sell drugs away from children.

MR. FLOYD confirmed that none of his convictions were sex offenses related to children and SERGEANT LOWE acknowledged that MR. FLOYD has been arrest-free since 1999.

COUNCILMAN WOLFSON stated that people deserve a second chance after they have paid their debt to society. He expressed his support for this appeal and added that he was concerned with some of the reasons for denying work cards. MR. FLOYD suggested a probationary period if he was granted a work card, which would allow the Council to monitor his behavior.

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MR. DiFIORE noted that the City can request information regarding crimes of moral turpitude, except sex offenses, for the past ten years. MR. FLOYD'S last offense was committed in July 1999 and, when he applied for his work card in June 2009, he was denied. He pointed out that the City is currently beyond the 10-year time frame for reviewing MR. FLOYD'S criminal history. He explained that if MR. FLOYD had applied for his work card in September 2009 rather than June 2009, he would have been granted a work card administratively. Additionally, if MR. FLOYD were denied a work card at this hearing, he could reapply in a few months and be granted a work card administratively at that time because his arrests would be older than 10 years and would not be considered as part of the application.

MR. DiFIORE recommended approval of a temporary work card, business specific, non-transferrable to any other business and a six-month review. If Zada's Ice Cream business operations are discontinued, the temporary work card shall be surrendered to Metro Special Investigations.

While COUNCILMAN REESE agreed with COUNCILMAN ANTHONY that MR. FLOYD could find another job that did not require a work card, he expressed his belief in second chances and expressed his support for staff's recommendation.

MAYOR GOODMAN informed MRS. FLOYD that she could lose her business license if MR. FLOYD makes any mistakes and MR. FLOYD stated she understood what was at stake.

