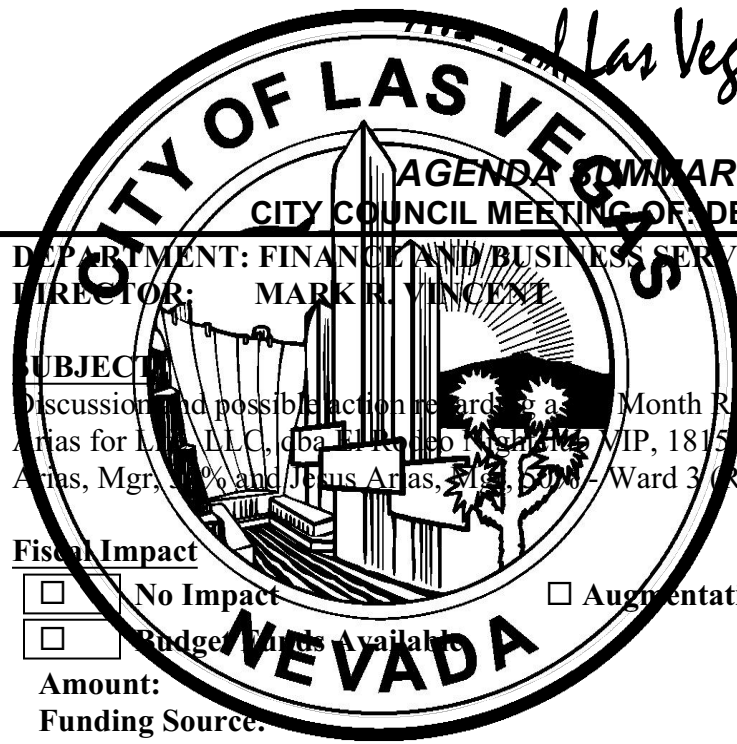




Las Vegas

Agenda Item No.: 47.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action regarding a Six Month Review of a Temporary Tavern License, Arias for L.L. LLC, dba El Rodeo Nightclub, 1815 East Charleston Boulevard, Maricela Arias, Mgr, 10% and Jesus Arias, Mgr, 50% - Ward 3 (Reese)

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Six Month Review of a Temporary Tavern License.

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 Strike

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

CAROL MEYER, Finance and Business Services, outlined the application history, including the delay in obtaining their health permit. At the six-month review, there were few calls for service and none resulted in any charges being pressed. Having recently received the investigative reports, MS. MEYER noted that the one area of concern relates to funding for the purchase of their business. DETECTIVE MANCILLAS prepared the report and was present to answer any questions.

COUNCILMAN REESE expressed concern with allowing someone to operate a business with a temporary license without having received the full report from Metro. Had circumstances occurred today, he would have taken a different position.

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DETECTIVE MANCILLAS, Metro Special Investigations, reported several discrepancies that have occurred during the investigation, including conflicting information regarding investments and revenue sources, refinancing of a home, sale of a business and/or a business loan.

DETECTIVE MANCILLAS stated that there is still an unaccounted for \$200,000 investment.

COUNCILMAN REESE asked the Detective whether the applicants had made every effort to respond to her requests. DETECTIVE MANCILLAS replied that she has made numerous requests to them or through their attorney, with no response.

ATTORNEY DORIS NEHME advised that she was involved in the original appearance but since then her clients attempted to complete the process themselves. Although her clients had purchased the building the prior owner continues to operate the business. Initially it was an owner-carry arrangement and since then the applicants have obtained financing and paid the prior owner. The Lincoln property was previously owned by MR. ARIAS brother with MR. ARIAS as a silent partner and included more than \$200,000 in equity. The applicants believed everything they did was appropriate because it all went through title companies.

COUNCILMAN REESE asked ATTORNEY NEHME why her clients had not responded to DETECTIVE MANCILLAS' requests and why it has taken over six months to finally hear the explanation. ATTORNEY NEHME responded that she had only received the information today. MR. AND MRS. ARIAS expressed concern that they did not really understand what was required because they had provided proof of the payment information on the loan and proof of the line of credit on the California property.

DETECTIVE MANCILLAS explained that she was very specific about what information she needed and was assured each time that they had the documentation and would be able to provide it to her.

MS. MEYER stated that this business has had two temporary business licenses and legally the temporary license cannot be extended. If denied, MS. ARIAS would not be able to reapply for a year. MS. MEYER recommended striking the item which will require the business to be closed until all the newly presented documentation is reviewed. Thereafter the applicants can reapply and be heard 1/6/2010.

MS. MEYER added that there is a provision in the code that allows for a 90-day administrative approval. If the item is stricken, the 90-day authorization could be issued. MS MEYER confirmed that if the Council votes to strike the item, the applicants must reapply today, a 90-day administrative temporary license will be issued and they will not be required to close down their business.

COUNCILMAN REESE discussed with MS. MEYER and ATTORNEY NEHME that a permanent license could be granted with a review on 1/6/2010 given that the business has been operated well. MS. NEHME committed to completing the review of the documentation with Metro to resolve all the areas of concern. COUNCILMAN REESE stated that if there are any remaining concerns, the license would be revoked. MS. MEYER added that staff could issue a

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90-day temporary license upon applying today allowing them to stay open without a permanent license and then Council could review the permanent license upon completion of the Metro report. COUNCILMAN WOLFSON supported the direction given by COUNCILMAN REESE and warned the applicants they are very close to losing their license.

