



Agenda Item No.: 46.

DEPARTMENT: PLANNING

DIRECTOR: FLINN FAGG, Acting

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action regarding an appeal of Denial of an Ice Cream Truck License, Terrie Ann Farr, dba Keslaw and Karam's Huddies Ice Cream, 801 Searles Avenue, Terrie Farr, Owner, 100% - Ward 5 (Barlow)

Fiscal Impact

☐ No Impact

☐ Augmentation Required

☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding an Appeal of Denial of an Ice Cream Truck License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

None

Motion made by RICKI Y. BARLOW to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

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

Minutes:

By way of reading the item, MAYOR GOODMAN declared the Public Hearing open.

JIM DiFIORE, Manager of Business Services, explained that the applicant submitted her application in 2010 but did not reveal her arrests at that time. He detailed the applicant's criminal background, which included a pattern of battery acts and charges relating to activity germane to the business operations. After allowing the applicant time to obtain court records from another state, staff met with the applicant to discuss the documentation. MR. DiFIORE quoted the Code and pointed out the City's authority to deny such a license. Given the applicant's past conviction(s) and driving record, staff was not comfortable with granting the requested license.

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TERRIE ANN FARR presented the Council with a substantial amount of documentation dealing with this matter and did not believe she was made aware of all of the allegations presented by staff. Many of the incidents referred to by MR. DiFIORE occurred at a much younger age, and she was the victim in the domestic violence case. She disputed the alleged felony and recalled the hardships experienced in trying to maintain a livelihood for her family. She confirmed for the Mayor that the information she presented to the Council has also been forwarded to the Las Vegas Metropolitan Police Department (Metro).

A local pastor and RUBEN RODRIGUEZ appeared in support of MS. FARR having a business license. The Pastor believes MS. FARR is an inspiration to the children in this community and asked that the Council grant her the license to continue her business. His organization has donated a bus to MS. FARR in hopes of expanding her business.

COUNCILMAN BARLOW verified with a Metro officer in audience that the last ticket MS. FARR received was for failure to stay in a lane. MS. FARR informed the Councilman that given the licenses she currently has, she was under the impression that she could operate her vehicle. MR. DiFIORE pointed out that he was not given the documentation MS. FARR showed the Council. COUNCILMAN BARLOW agreed to trail the item to allow staff and MS. FARR time to review all of the documentation.

After trailing the item, SERGEANT WENDEN DONEGAN, Metro's Special Investigations Division, confirmed for the Council that Metro's investigation regarding MS. FARR remains accurate. MAYOR GOODMAN confirmed with MS. FARR that she accepted Metro's assessment of the investigation.

MR. DiFIORE pointed out that MS. FARR admitted to staff that she was operating without a City license, although she had a State license. She also concurred with the arrests entailed in Metro's report. Staff is concerned with MS. FARR'S lack of regard for the law. She has received four traffic violations within the last year; even though she was in her personal vehicle, there is still a risk to the community. Staff also did not believe MS. FARR'S ice cream truck could pass an inspection at this time. With these concerns, staff stood firm on their recommendation to deny MS. FARRS request.

MADISON PEOPLE, Andre Agassi College Preparatory Academy, spoke on MS. FARR'S nice personality. She and MS. FARR'S daughter, KIARA MITCHELL, recalled an incident on site involving the conduct of a City staff member. MR. DiFIORE rebutted that he has known this staff person for 20 years and when asked, she denied such allegations.

Although COUNCILMAN BARLOW recognized MS. FARR'S efforts in conducting business, she failed to obtain a City license. He understood staff and Metro's concerns but realized the violations occurred in her personal vehicle. MS. FARR informed the Councilman that she is on

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disability, and she needs this income to provide for her family. The Councilman was willing to support MS. FARR with a temporary license with a six-month review and the caveat that she reports any traffic violations to City staff. He encouraged MS. FARR to obey the laws and wished her success in maintaining her business and appropriate licenses. COUNCILWOMAN TARKANIAN confirmed with MR. DIPIORE that part of the conditions includes a vehicle safety inspection and appropriate advertisement on the ice cream truck.

COUNCILMEN REESE and ANTHONY expressed concern for MS. FARR'S non-compliance and criminal background, even after she was informed by City staff. COUNCILMAN BARLOW explained that he was willing to support MS. FARR, given the fact that some of the documentation reviewed was conflicting and not conclusive to deny her request. Given one of the previous citations in 1993 regarding driving under the influence, MAYOR GOODMAN and COUNCILWOMAN TARKANIAN could support a temporary license if MS. FARR passed a drug test. Based upon previous counsel, MR. DIPIORE was aware that the Council could impose a condition requiring a drug test.

Upon his query, MS. FARR informed COUNCILMAN BARLOW that she is currently undergoing chemotherapy/radiation for breast cancer and is taking prescribed medication. She was not willing to take a drug test, so COUNCILMAN BARLOW reversed his decision and opted to deny MS. FARR's request.

MAYOR GOODMAN declared the Public Hearing closed.

