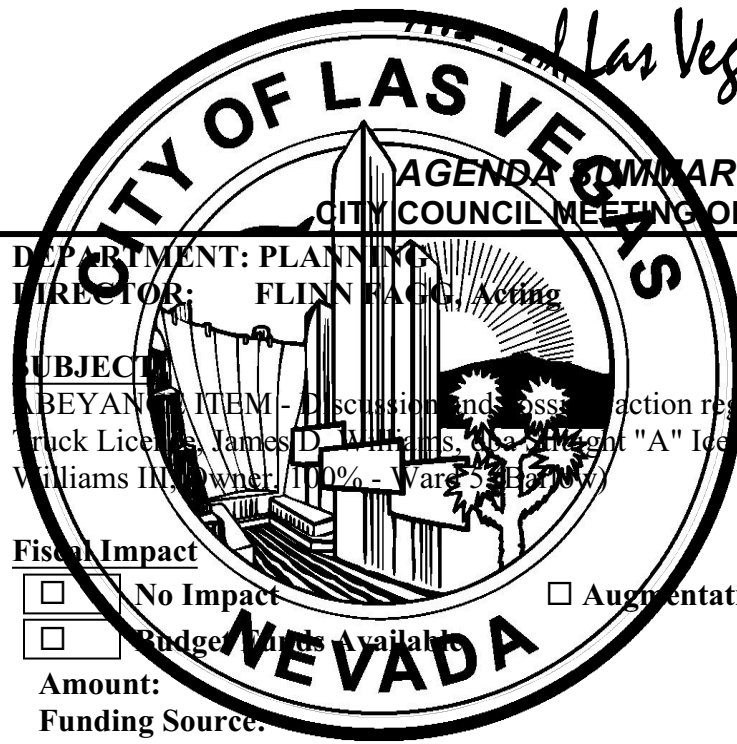




Agenda Item No.: 44.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting

☐ Consent ☒ Discussion

SUBJECT: ABYANCE ITEM - Discussion and possible action regarding the Denial of an Ice Cream Truck License, James D. Williams, aka "Straight "A" Ice Cream, 1100 Searles Avenue, James Williams INC. owner, 100% - Varg 53 Barlow

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding the Denial of an Ice Cream Truck License. This item was held in abeyance from the April 20, 2011 City Council meeting.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

None

Motion made by LOIS TARKANIAN to Deny

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

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

NOTE: COUNCILWOMAN TARKANIAN moved for denial on COUNCILMAN BARLOWS behalf.

Minutes:

COUNCILWOMAN TARKANIAN announced that COUNCILMAN BARLOW asked her to act on his behalf.

CAROL MEYER, Business Services Supervisor, provided a brief history explaining that JAMES WILLIAMS applied for an ice cream truck license and asked for consideration for a temporary license. After carefully reviewing his application, it was determined that he would not be suitable to obtain a temporary license until his background investigation was received. She sent

CITY COUNCIL MEETING OF: MAY 4, 2011

a certified letter to MR. WILLIAMS notifying him of such. Late in December, she received MR. WILLIAMS' background investigation with a concern. She then met with MR. WILLIAMS to discuss what was contained in the report and inform him of the possible outcome. During that meeting, MR. WILLIAMS represented that he no longer had a problem with drugs and that he would voluntarily take a drug test. On January 21, 2011, she received a copy of the drug test results. After reviewing them, she sent MR. WILLIAMS a letter informing him that the drug test alone was not sufficient evidence for the suitability of a privileged license. MS. MEYER recommended denial due to MR. WILLIAMS' extensive history of drug related issues.

MR. WILLIAMS responded that the report shows multiple arrests for the same convictions. MAYOR GOODMAN explained that the federal sentence was imposed and then two state charges were to run concurrently. MR. WILLIAMS added that during the 2008 incident, he was not arrested, but only questioned about another individual, who was arrested. His last conviction was in 1997.

Investigative Specialist, DETECTIVE KIM HAWLEY was present. COUNCILMAN WOLFSON verified with DETECTIVE HAWLEY that MR. WILLIAMS had been cooperative and truthful and admitted to the information. The Councilman remarked that MR. WILLIAMS' last conviction was in 1997, and he asked what concerns the City Council should have. DETECTIVE HAWLEY responded that MR. WILLIAMS chose to deal drugs for a long period of time and allowing him to drive an ice cream truck through neighborhoods would give him a legitimate reason to stop. She acknowledged that none of his past history involved any misbehavior with children.

MR. WILLIAMS stated he previously lived in Las Vegas and returned three years ago. During this time, he has not been arrested or received any citations with the exception of a parking citation. He works at the Texas Station and he is drug free today.

DETECTIVE HAWLEY indicated that MR. WILLIAMS was employed at the South Point but was terminated due to a failed drug test. MR. WILLIAMS rebutted that he challenged the drug results but they refused to retake it because he did not have hair. He took it upon himself to take a drug test, which came back negative. He spoke with the manager at South Point, who wrote a letter on his behalf stating he was eligible for rehire; however, he could not accept the position because it was part-time and he needed a full-time position with medical benefits.

SERGEANT CARMEN DONEGAN, Las Vegas Metropolitan Police Department, Special Investigations, stated that the drug test was taken in 2009, and there is no evidence of a self-taken drug test.

MAYOR GOODMAN asked if any of the charges involved the sale or furnishing of controlled substances. DETECTIVE HAWLEY responded that MR. WILLIAMS was charged with possession with intent. Based on the age of the report and the fact that this was a task force situation in Texas with multiple agencies, the report is not available; only the conviction data in federal court. MR. WILLIAMS rebutted that he never furnished or sold drugs to others.

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COUNCILMAN ANTHONY verified with DETECTIVE HAWLEY that MR. WILLIAMS was found guilty in 1997 of possession to actual deliver controlled substances. In 2008, he was found with an associate and was questioned by the Drug Enforcement Administration regarding drug activities, but was not arrested. He was arrested in 2007 for assault and possession with a felony but it does not say what the adjudication was. DETECTIVE HAWLEY replied that the court did not provide that information but MR. WILLIAMS indicated on his application that they were dismissed. The charges in 2007 were ~~never adjudicated~~ but MR. WILLIAMS went to jail for those charges.

