

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the March 1, 2007, Meeting

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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors session on Thursday, March 1, 2007, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, that began at 8:30 a.m.

PRESENT: Chairperson Marv Teixeira, Vice Chairperson Richard S. Staub, and Board Members Robin Williamson, Shelly Aldean, Pete Livermore, and Ken Furlong

STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Ken Furlong	Sheriff
	Al Kramer	Treasurer
	Larry Werner	Development Services Dir./City Engineer
	Sue Johnson	Finance Director
	Stacy Giomi	Fire Chief
	Andrew Burnham	Public Works Director
	Melanie Bruketta	Chief Deputy District Attorney
	Cheryl Adams	Purchasing and Contracts Manager
	Ken Arnold	Public Works Operations Manager
	Nick Providenti	Senior Accounting Manager
	Katherine McLaughlin	Recording Secretary

(BOS 3/1/07 Recording 8:31:20)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A recording of these proceedings is on file in the Clerk-Recorder's office. It is available for review and inspection during normal business hours.

Mayor Teixeira recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. A quorum of the Board was present, including Member Furlong. For Minutes of the Board of Supervisors, see its folder for this date.

ACTION ON APPROVAL OF MINUTES (9:01:12) - Member Williamson moved to approve the Minutes of the Carson City Liquor and Entertainment Board for February 1, 2007. Member Aldean seconded the motion. Motion carried 6-0.

TREASURER - Al Kramer

A. ACTION TO APPROVE A FULL BAR LIQUOR LICENSE FOR MR. JEFFERY E. DONOVAN, OWNER OF SCAVO'S BAR LOCATED AT 4750 HIGHWAY 50, SUITE 1, IN CARSON CITY (8:44:26) - Jeffery Donovan explained the reason he had missed the previous meeting

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and apologized. His family has been involved in the business. He has also been involved in the business "back east". Discussion explained the location and the name. Member Furlong indicated that the Sheriff's Office did not object to his having a license. Chairperson Teixeira sensitized him to the Sheriff's sting operation and reminded him that it is a privileged license. He asked that he "safeguard the minors of the community". Mr. Donovan indicated that he understood. Member Staub moved to approve a full bar liquor license for Mr. Jeffery E. Donovan, owner of Scavo's Bar located at 4750 Highway 50 Suite 1 in Carson City; fiscal impact is \$1,000 for an original new fee, \$500 for an investigation fee, and \$200 for a quarterly fee. Members Aldean and Livermore seconded the motion. Discussion indicated that the name may be changed to Donovan's. Motion carried 6-0.

B. ACTION TO APPROVE A FULL BAR LIQUOR LICENSE FOR MR. ALVARO BRITO, MR. MARCOS BRITO, AND MRS. MIGDOLENA BRITO, OWNERS OF THE SAN MARCOS GRILL, LOCATED AT 260 EAST WINNIE LANE (8:46:58) - Alvaro, Marcos, and Migdolena Brito - Discussion explained the location and the proposed menu. Member Furlong indicated that a background check had been conducted. The Sheriff's Office did not object to their having licenses. Discussion noted that Mr. A. Brito had held a beer and wine license in California. Chairperson Teixeira stressed the importance of staying within the legal parameters when holding a Nevada license. He warned them that the Sheriff's Office conducts sting operations to safeguard the community. The Board supports the Sheriff's program. The license is considered a privilege in this community which they must protect. Member Livermore moved to approve a full bar liquor license for Mr. Alvaro Brito, Mr. Marcos Brito, and Mrs. Migdolena Brito, owners of the San Marcos Grill, located at 260 East Winnie Lane; fiscal impact is \$1,000 for an original new fee, \$650 for an investigation fee, and \$200 for a quarterly fee. Member Staub seconded the motion. Discussion indicated the name of the restaurant will be San Marcos Grill. Motion carried 6-0.

C. ACTION TO ADOPT A POLICY ALLOWING AN ATTORNEY OR PERSON WITH A POWER OF ATTORNEY AUTHORIZING THE HOLDER TO REPRESENT THE APPLICANT IN LIQUOR LICENSE MATTERS, TO APPEAR BEFORE THE LIQUOR AND ENTERTAINMENT BOARD WHEN APPLYING FOR A LIQUOR LICENSE (8:49:53) - Sam Dehne - The policy was written due to an applicant's request. Member Furlong indicated that the Sheriff's Office does not have a problem with the concept although it is prefers to have the applicant attend the meetings. He also questioned the reasons for making the change based on a few anomalies. Mr. Kramer responded by explaining that corporations have a problem with having to submit a new application whenever management changes are made. Discussion pointed out that the proposal could eliminate the ability to address a problem. Corporations have the ability to address management concerns. The City should be able to address any situations which arise with the local management. The license is a privilege and not a right. Member Aldean appreciated the desire to make the bureaucracy as business friendly as possible. She supported Member Furlong's comments and wished to admonish the applicants about the legal parameters and the need to stay within them. They should not serve minors. It provides an opportunity for a certain amount of rapport to be established with the licensee. It also provides an opportunity for the Board to indicate the community's standards and to re-enforce them. Member Williamson pointed out that the policy is for corporations, such as Longs and Albertsons. Discussion indicated that if the policy is

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adopted, the Code must be revised. Mr. Kramer reiterated that an applicant had requested the revision. He also suggested that the Board could make a co-holder of the license attend the meeting. This person could be the comptroller. The Board could also make all of the applicants or corporation's management be present. Member Livermore felt that the concept will enable one attorney to become the representative for several/all corporations. Chairperson Teixeira felt that it was "not a good idea". Member Staub questioned how the Board could adopt a policy in violation of the City's Code. He could support having the attorney present but objected to allowing an individual with "a power of attorney" document. Justification for his concern was explained. Mr. Kramer reminded the Board that there have been occasions over the years that the Board has licensed individuals who were from out-of-the-state and knew that that individual would not be the one in charge of the local store. He suggested that the Code be changed to allow an attorney to represent the corporation. Chairperson Teixeira supported having the applicant come to the meetings for a face-to-face discussion. He did not want a power of attorney document. He could not justify allowing large corporations to be different from small businesses. Just because California does something is not a valid reason for doing it here. The Board needs the face-to-face contact. The license is a privilege. Special dispensation should not be granted to large businesses. A motion was requested. When one was not made, **Chairperson Teixeira** passed the gavel to Vice Chairperson Staub and **moved that the Board, at this time, refuse the policy change to allow an attorney or a person with a power of an attorney (document) to represent the holder of a license. Member Aldean seconded the motion.** Public comments were solicited.

Mr. Dehne noted the statement "if it's not broke, don't fix it" that he thought had been made by Member Furlong. Chairperson Teixeira corrected him to indicate that he had been the individual who had said it. Mr. Dehne supported having the individuals present and taking each application separately. Reno handles the licenses as a consent agenda matter without having the applicants present. He also felt that applicants who do not speak English well should be allowed to have an attorney present. The Board could then contact the attorney if there is a situation. He also suggested naming the establishments "Tex's Bar and Grill". He found it curious that Chairperson Teixeira knew all of the establishments. Vice Chairperson Staub thanked him for his comments. Additional comments were solicited but none given.

The motion to reject the proposed policy was voted and carried 6-0.

Vice Chairperson Staub returned the gavel to Chairperson Teixeira. Chairperson Teixeira expressed his hope that Mr. Kramer understood that he was only the messenger and should not take the Board's vote personally.

(9:01:35) There being no other matters for consideration, Chairperson Teixeira adjourned the Liquor and Entertainment Board.

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The Minutes of the February 15, 2007, Carson City Liquor and Entertainment Board meeting

ARE SO APPROVED ON March 15, 2007.

/s/
Marv Teixeira, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder