



CITY OF ELKO
CITY MANAGER
1751 COLLEGE AVENUE
ELKO, NEVADA 89801
(775) 777-7110/FAX (775) 777-7119

The Elko City Council will meet in special session on Friday, September 27, 2019

Elko City Hall, 1751 College Avenue, Elko, NV 89801, at 2:00 P.M., P.D.S.T.

Attached with this notice is the agenda for said meeting of the Council.

In accordance with NRS 241.020, the public notice and agenda was posted on the City of Elko Website, <http://www.elkocitynv.gov/>, the State of Nevada's Public Notice Website,

<https://notice.nv.gov>, and in the following locations:

ELKO COUNTY COURTHOUSE
571 Idaho Street, Elko, NV 89801
Date/Time Posted: September 24, 2019 at 8:50 a.m.

ELKO COUNTY LIBRARY
720 Court Street, Elko, NV 89801
Date/Time Posted: September 24, 2019 at 9:00 a.m.

ELKO POLICE DEPARTMENT
1448 Silver, Elko NV 89801
Date/Time Posted: September 24, 2019 at 8:40 a.m.

ELKO CITY HALL
1751 College Avenue, Elko, NV 89801
Date: Time Posted: September 24, 2019 at 8:30 a.m.

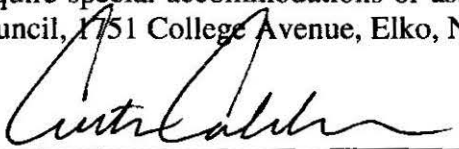
Posted by: <u>Kim Wilkinson</u>	Administrative Assistant <u>Kim Wilkinson</u>
Name	Title Signature

The public may contact Kim Wilkinson by phone at (775)777-7110 or email at kwilkinson@elkocitynv.gov to request supporting material for the meeting described herein. The agenda and supporting material is available at Elko City Hall, 1751 College Avenue, Elko, NV or on the City website at <http://www.elkocitynv.gov/>

Dated this 24th day of September, 2019

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Elko City Council, 1751 College Avenue, Elko, Nevada 89801, or by calling (775) 777-7110.


Curtis Calder, City Manager

CITY OF ELKO
CITY COUNCIL AGENDA
SPECIAL SESSION
2:00 P.M., P.D.S.T., FRIDAY, SEPTEMBER 27, 2019
ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The Agenda for this meeting of the City of Elko City Council has been properly posted for this date and time in accordance with NRS requirements.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

I. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Consideration of an appeal from Nualla LLC d/b/a Cabo and its members and principals, including but not limited to Acela Ceja and Carlos Nunez, of the City of Elko's notice of "Non-Renewal of Liquor License," which liquor license expires on September 30, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

Nualla LLC d/b/a Cabo is currently on probation, resulting from prior Liquor Code violation(s). On August 29, 2019, the City of Elko provided a "Notice of Non-Renewal of Liquor License" to the members and principals of Nualla LLC d/b/a Cabo based on the grounds set forth therein. A copy of the notice has been included in the agenda packet for review. CC

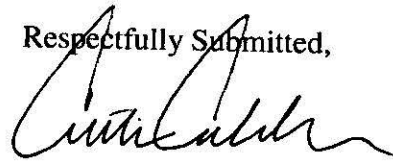
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NOTE: The Mayor, Mayor Pro Tempore, or other Presiding Officer of the City Council reserves the right to change the order of the agenda, and if the agenda has not been completed, to recess the meeting and continue on another specified date and time. Additionally, the City Council reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Curtis Calder", written in a cursive style.

Curtis Calder
City Manager

GARY E. DI GRAZIA
gdi Grazia@frontiernet.net
THOMAS J. COYLE, JR.
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DAVID M. STANTON
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LAW OFFICES
**GOICOECHEA, DI GRAZIA,
COYLE & STANTON, LTD.**
A PROFESSIONAL CORPORATION

OF COUNSEL
ROBERT B. GOICOECHEA
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—
OF COUNSEL-RETIRED
P. MICHAEL MARFISI
marfisi@frontier.com

August 29, 2019

VIA CERTIFIED MAIL

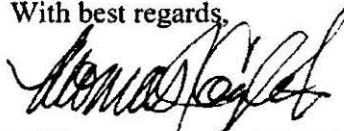
Nualla LLC, d/b/a Cabo
420 Elm Street, #1
Elko, NV 89801

Attn: Carlos Nunez / Acela Ceja
Re: Cabo Liquor License

Dear Mr. Nunez and Ms. Ceja:

Enclosed herein is a courtesy copy of the Notice of Non-Renewal of Liquor License, which was served upon the licensee. So you are aware, the timeframe to which to respond shall be calculated from the date of personal service to one of the Licensees, not from the date of receipt of this letter. If you have questions or wish to discuss this, please contact me.

With best regards,



THOMAS J. COYLE, JR.

TJC/bkf
Enclosure

NOTICE OF NON-RENEWAL OF LIQUOR LICENSE

To: Nualla LLC d/b/a Cabo and its members and principals ("Licensee")(hereafter sometimes "Cabo")

420 Elm St. # 1

Elko, Nv, 89801

ATTENTION: This NOTICE OF NON-RENEWAL supersedes the renewal invoice dated 8/14/2019 sent to the Licensee. For the reasons stated in this Notice, the City will not renew the liquor license for Cabo and the liquor license for Cabo is automatically revoked for non-renewal, effective upon the expiration of Cabo's present liquor license on September 30, 2019.


The grounds for this non-renewal of your license are as follows:

- A. Factual Basis: Recent prior violation resulting in probation (License Discipline Agreement dated March 26, 2019); uninvolved entity members not actively participating in management and suffering, allowing or permitting acts of primary management; Nunez (primary manager of Cabo) providing controlled substance on a different liquor licensed premises after hours for use in partying on or about May 16, 2019; Nunez participating in possession and use of controlled substance at the other liquor licensed premises; Nunez leaving controlled substance remnants in a liquor licensed premises; and/or Cabo pattern of late license payments and water service payments.
- B. Relevant Code Provisions and Other Considerations
 - 1. Public health, safety, morals and welfare of the City require the regulation and control of all persons who sell, serve or give away liquor. 4-5-2A.
 - 2. Liquor license is a privilege. 4-5-2A.
 - 3. Holder of liquor license must be in good standing. 4-5-2B.
 - 4. All persons who have management of the business are subject to investigation as may be necessary to protect the public good, welfare, safety, health and morals of the City inhabitants – requiring investigation of the moral character and business responsibility of the applicants. 4-5-4N.
 - 5. Licenses are prohibited unless each applicant is a person of good moral character and satisfactory business responsibility. 4-5-6A and 4-5-13A.
 - 6. Video and other evidence show or tend to show felonious conduct/behavior on a licensed premises and weigh unfavorably on moral character and satisfactory business responsibility.
 - 7. Previous violations are factors in licensing decisions. 4-5-9A and 4-5-13A. Cabo admitted a violation of the Liquor code and is presently in a probationary status.
 - 8. No license shall be automatically renewed if licensee not in compliance with state federal or local requirements or codes. 4-5-10.

9. Licensee actions, omissions and/or violations regarding a pattern of late payments on license fees (4-5-13A) and utility fees factor in determination of good moral character and/or unsatisfactory business responsibility.
10. Uninvolved business entity ownership interests – to the extent that other principals and members of the Licensee business entity have not actively engaged in business management, suffering or allowing or permitting the management and activities of the more culpable principal or member of the Licensee shows a lack of satisfactory business responsibility.
11. Violation of any provision of the liquor code. 4-5-13A3. Liquor code violated by licensee/applicant/manager not having requisite moral character or satisfactory business responsibility.
12. Named licensee commits acts sufficient for denial of applicant. 4-5-13A6. Application would have been denied by reason of lack of moral character and sufficient business responsibility.

You may contest this non-renewal by filing within 20 days of your personal service of this Notice of Non-Renewal with the City Clerk a written appeal and requesting a hearing before the City Council wherein the Council will uphold, modify or rescind the non-renewal of the license and/or determine any appropriate license discipline or conditions to place on the liquor license. Failure of the licensee to timely file an appeal or failure to appear at any subsequent appeal hearing shall be deemed an admission of the grounds set forth in this Notice of Non-Renewal and a waiver of any rights to contest the decision.

Dated this 29 day of August, 2019.


KELLY C. WOOLDRIDGE
ELKO CITY CLERK