

**TO:** City Council  
**FROM:** City Manager and Staff *rif*  
**DATE:** February 14, 2008  
**RE:** Council Report – Athena Night Club

**SUMMARY:**

This report is submitted at Council request regarding Athena Night Club calls for service.

The owners of Athena Night Club applied for a business license in April, 2004 and opened later that year. Police have responded to calls for service at this location since they opened. The calls for service and the violence associated with the calls have increased over the years as indicated below. Note: This only includes calls associated with the specific address of 1100 Locust (not surrounding corner addresses or areas) and for the late evening/early morning hours only.

| Year | Total Contacts/Calls For Service (approximate) | Self-Initiated Calls* (approximate) | % Total Self Initiated Calls |
|------|--|-------------------------------------|------------------------------|
| 2004 | 21   | 7                                   | 33%                          |
| 2005 | 38   | 10                                  | 26%                          |
| 2006 | 121  | 36                                  | 30%                          |
| 2007 | 143  | 54                                  | 37%                          |

\*Self-initiated calls include foot patrol, check open business, and follow-up calls that should not be counted towards the total contacts for the business.

As mentioned above, the contacts and calls for service have steadily increased over the years since the business opened at this location. In addition, the increased calls include more violent calls that are being handled by patrol to include disturbances, assaults and shots fired. Officers routinely conduct open business checks, informally talk with security employed by the business, and extra patrol officers are often visible in this area around bar closing time in an effort to reduce and prevent on-going criminal activities.

**The following is a timeline in reference to dates regarding the liquor license:**

June 2007: Finance Department contacted the Police Department to inquire about this location as the liquor license was up for renewal, as they often do with other businesses. Due to the increase and nature of calls in 2006, we indicated we had concerns about this location at that time. We wanted to work with the owners in an effort to reduce crimes and officer assistance at Athena's as we have with other locations in the past.

August 6, 2007: The Finance Department sent a letter and issued a provisional liquor license to allow the business to operate through October 31, 2007. They advised Athena's to meet with us to develop a written plan to curtail activities by September 1, 2007.

August 14, 2007: The Police Department sent a letter to the owner, Daniel Veros, outlining some suggestions and asking them to contact us by August 31, 2007 if they felt any were not achievable. They failed to do so.

November 6, 2007: The Athena's business representative requested a meeting with the Police Department held on this date as their provisional liquor license expired on October 31, 2007. At the meeting, they indicated they would review our written suggestions (from the August letter) and advise what steps they were willing to take via a letter to Finance. They did not

Source:  
 Police  
*Pro. 2008*

Fiscal Impact  
 \_\_\_ YES  
 NO

Other Info.

attempt to contact the Police Department and no letter was received by the Police Department or the Finance Department following this meeting.

January 8, 2008: Finance Department sent a letter indicating their license was suspended as of January 18, 2008 due to their failure to provide evidence and follow-up letters as they indicated they would.

January 16, 2008: Athena's appealed this suspension and sent a letter to Finance.

February 7, 2008: Finance sent a letter to Bogden Susan outlining the suggestions from the August 2007 letter with deadlines.

On February 12, 2008: Co-owner Rashid, Athena's attorney Bodgen Susan, Janice Finley, Bill Alton, Officer Thomason and Captain Schwartze held a meeting to discuss the most recent letter with stipulations and deadlines. They have decided to follow a different "format" and close the Athena's Night Club. They are expanding their pizza business serving beer and wine only, and will not operate as a night club.

**SUGGESTED COUNCIL ACTION:**

Staff recommends Council accept this report.

# DAVIS, SUSAN & HOLDER, L.L.C.

ATTORNEYS

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February 21, 2008

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## FAX COMMUNICATION

Re: Athena Night Club

Dear Ms. Finley:

Thank you for taking the time to meet with us on February 12<sup>th</sup>. At that meeting we discussed your letter dated, February 7<sup>th</sup>. We agreed to comply with all your applicable suggestions contained in your letter. Further, it was decided that a dress code and weapons check would not be required, because my client is no longer operating a nightclub and that those suggestions would not be necessary for the remaining businesses of a pizza kitchen and restaurant. Also, it is my understanding that we agreed that the SMART training would only be required of employees involved in the sale or distribution of alcohol.

It is my understanding that the Police Department already has the names of the people on the trespass list. If this is incorrect please let me know. Also, I will forward to you, beginning April 1<sup>st</sup> an updated trespass list. It is my understanding that if there are no additional names on the list, a written response would not be necessary. We hope that with the change in the type of business, there will not be any reason to issue trespass warnings.

You also requested criminal background checks on all the employees. Could you allow us until April 1<sup>st</sup> to respond to this request. We are in the process of completely reorganizing the businesses on all levels, including management, cooks, delivery drivers and servers. Due to the sudden closing of Athena, it will take a little time to sort out the staff issues. If this is not acceptable, please let me know.

Also at the meeting, we discussed changing the liquor license to beer and wine only. We may also have to apply for a new liquor license, if the changes that are occurring

at the license premises lead to a change in either the ownership or management structure. We ask for your continued patience in that regard. I believe that there are a lot of positive changes occurring that should lead to the elimination of your previous concerns. Thank you again for meeting with us and discussing your concerns.

Please do not hesitate to call me with any questions or concerns.

Sincerely yours,



Bogdan A. Susan

Bill,  
Athena's still has not applied to  
change their liquor license. According  
to Mr. Susan, still in process of  
changing parties in LLC.

