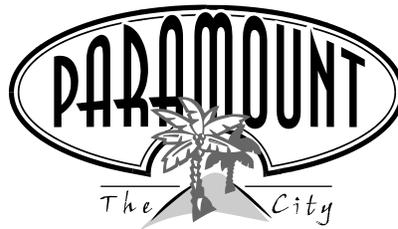


# AGENDA

Paramount City Council  
January 19, 2016



Adjourned Meeting  
City Hall Council Chambers  
5:00 p.m.

City of Paramount

16400 Colorado Avenue ❖ Paramount, CA 90723 ❖ (562) 220-2000 ❖ [www.paramountcity.com](http://www.paramountcity.com)

**Public Comments:** If you wish to make a statement, please complete a Speaker's Card at the beginning of the meeting. Speaker's Cards are located at the entrance. Give your completed card to a staff member or put it on the staff table located at the front of the room. When your name is called, please go to the rostrum provided for the public. Persons are limited to a maximum of 5 minutes unless an extension of time is granted. No action may be taken on items not on the agenda except as provided by law.

**Americans with Disabilities Act:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (562) 220-2027 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**Note:** Agenda items are on file in the City Clerk's office and are available for public inspection during normal business hours. Materials related to an item on this Agenda submitted after distribution of the agenda packet are also available for public inspection during normal business hours in the City Clerk's office. The office of the City Clerk is located at City Hall, 16400 Colorado Avenue, Paramount.

## Notes

CALL TO ORDER:	Mayor Tom Hansen
ROLL CALL OF COUNCILMEMBERS:	Councilmember Gene Daniels Councilmember Peggy Lemons Councilmember Diane J. Martinez Vice Mayor Daryl Hofmeyer Mayor Tom Hansen

## PUBLIC COMMENTS

## **CONSENT CALENDAR**

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All items under the Consent Calendar may be enacted by one motion. Any item may be removed from the Consent Calendar and acted upon separately by the City Council.

1.     [APPROVAL](#)                     Youth Employment Plan – Paramount Park Fitness and Trail Project
  
2.     [APPROVAL](#)                     Authorization for Purchase of a Mobile Stage

## **REPORTS**

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3.     [PUBLIC HEARING  
RESOLUTION NO.  
16:001  
Revocation of a Live  
Entertainment Permit](#)             Torino Lounge  
14123 Garfield Avenue
  
4.     [RECEIVE AND FILE](#)             Americans with Disabilities Act  
Compliance Program

## **COMMENTS**

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- Staff
- Councilmembers

## **ADJOURNMENT**

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To a meeting on February 2, 2016 at 6:00 p.m.

JANUARY 19, 2016

YOUTH EMPLOYMENT PLAN - PARAMOUNT PARK FITNESS AND TRAIL PROJECT

MOTION IN ORDER:

APPROVE THE CITY OF PARAMOUNT'S YOUTH EMPLOYMENT PLAN (YEP) FOR THE PARAMOUNT PARK FITNESS AND TRAIL PROJECT TO COMPLY WITH THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT'S EMPLOYMENT YOUTH POLICY.

APPROVED: \_\_\_\_\_

DENIED: \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ROLL CALL VOTE:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_



**To:** Honorable City Council

**From:** John Moreno

**By:** David Johnson

**Date:** January 19, 2016

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**Subject:** YOUTH EMPLOYMENT PLAN - PARAMOUNT PARK FITNESS & TRAIL PROJECT

In 1997, the Los Angeles County Board of Supervisors directed the Los Angeles County Regional Park and Open Space District to require a Youth Employment Plan (YEP) from all 1996 Park Bond recipients. The YEP is the District policy to emphasize the employment of at-risk youth in park improvement projects. In 2002, we submitted a YEP for our allocation of our 1996 Park Bond funds to the Ralph C. Dills Park expansion project.

Subsequent grants from Los Angeles County Regional Park and Open Space District require a new YEP for any new projects using grant monies. The allocation of \$300,000 to the Paramount Park Fitness and Trail project was awarded to the City of Paramount via Los Angeles County 4<sup>th</sup> District Supervisor Don Knabe. The funds were used to purchase Greenfields Outdoor Fitness equipment and installation to create two fitness zones at All American Park and one fitness zone at Paramount Park.

To receive reimbursement from the grant for the All American & Paramount Park improvements, we are required to submit the new YEP. The YEP must, at a minimum, include the following: a list of tasks to be performed by at-risk youth, an estimate of the amount of grant funds to be spent on youth employment, the method by which the youth will be recruited and employed, and how the plan relates to our Youth Employment Goal.

Due to Greenfields Outdoor Fitness Equipment having exclusive contractors approved to install their equipment, we were unable to utilize at-risk youth to install the purchased Greenfields Fitness Equipment for Paramount Park and All American Park. The contractor performing the installations felt by utilizing at-risk youth on this type of installation would create a liability issue for both themselves and the City of Paramount.

Attached is the Youth Employment Plan for this project that will be submitted to the Los Angeles County Regional Park and Open Space District to complete the paperwork required to close out the grant. The Los Angeles County Regional Park and Open Space District is aware that this project was not able to use at-risk youth but still requires the YEP to be submitted. The inability to identify opportunities for at-risk youth in a YEP for a specific project like the Paramount Park Fitness & Trail project does not affect our ability to receive reimbursement from the County.

### **Recommended Action**

It is recommended that the City Council approve the City of Paramount's Youth Employment Plan (YEP) for the Paramount Park Fitness and Trail project to comply with the Los Angeles County Regional Park and Open Space District's Employment of Youth Policy.

**YOUTH EMPLOYMENT PLAN**  
City of Paramount  
Paramount Park Fitness & Trail  
Grant 58G9-14-2446

**BACKGROUND**

The allocation of \$300,000 was awarded to the City of Paramount via Los Angeles County 4<sup>th</sup> District Supervisor Don Knabe. The funds were used to purchase Greenfields Outdoor Fitness Equipment and installation to create two fitness zones at All American Park and one fitness zone at Paramount Park.

**TASKS THAT MAY BE PERFORMED BY AT RISK YOUTH**

Due to Greenfields Outdoor Fitness Equipment having exclusive contractors approved to install their equipment, we were unable to utilize at-risk youth to install the purchased Greenfields Fitness Equipment for Paramount Park and All American Park. The contractor performing the installations felt by utilizing At-Risk Youth on this type of installation would create a liability issue for both themselves and the City of Paramount.

JANUARY 19, 2016

AUTHORIZATION FOR PURCHASE OF A MOBILE STAGE

MOTION IN ORDER:

AUTHORIZE THE PURCHASE OF A MOBILE STAGE FROM CENTURY INDUSTRIES, SELLERSBURG, INDIANA, IN THE AMOUNT OF \$54,650.

APPROVED: \_\_\_\_\_

DENIED: \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ROLL CALL VOTE:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_



**To:** Honorable City Council  
**From:** John Moreno  
**By:** Christopher S. Cash/Sarah Ho  
**Date:** January 19, 2016

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**Subject:** AUTHORIZATION FOR PURCHASE OF A MOBILE STAGE

In this Fiscal Year's budget we have included the purchase of a Mobile Stage for City events. The stage is manufactured and sold exclusively by Century Industries of Sellersburg, Indiana.

The total cost to manufacture and deliver the stage is \$54,650. According to the City's purchasing policy, purchases of equipment in excess of \$25,000 need to be approved by the City Council. Century Industries is the sole distributor of the product and additionally offers General Services Administration (GSA) contract pricing to municipalities, as such, this item does not require competitive bidding. The FY16 budget for this purchase is \$56,000; the cost from Century Industries is \$1,350 below the budgeted amount.

Recommended Action

It is recommended that the City Council authorize the purchase of a mobile stage from Century Industries, Sellersburg, Indiana, in the amount of \$54,650.

JANUARY 19, 2016

PUBLIC HEARING

RESOLUTION NO. 16:001

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT APPROVING THE REVOCATION OF A LIVE ENTERTAINMENT PERMIT AT TORINO LOUNGE AT 14123 GARFIELD AVENUE”

1. HEAR STAFF REPORT
2. OPEN THE PUBLIC HEARING
3. HEAR TESTIMONY IN THE FOLLOWING ORDER:
  - (1) THOSE IN FAVOR
  - (2) THOSE OPPOSED

4. MOTION TO CLOSE THE PUBLIC HEARING

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

5. MOTION IN ORDER:

READ BY TITLE ONLY AND ADOPT RESOLUTION NO. 16:001.

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ROLL CALL VOTE:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_



**To:** Honorable City Council  
**From:** John Moreno  
**By:** John Cavanaugh, City Attorney  
**Date:** January 19, 2016

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**Subject: RESOLUTION NO. 16:001  
REVOCATION OF A LIVE ENTERTAINMENT PERMIT  
TORINO LOUNGE AT 14123 GARFIELD AVENUE**

### **BACKGROUND**

Torino Lounge is located on the west side of Garfield Avenue between Quimby Street and Rosecrans Avenue at 14123 Garfield Avenue. In 2011, the business owner of Torino Lounge was approved to operate the establishment Wednesdays through Sundays between 3:00 p.m. and 2:00 a.m. and Mondays and Tuesdays between 3:00 p.m. and 11:00 p.m. as a Spanish tapas lounge. At its October 4, 2011 meeting, the City Council considered a Live Entertainment Permit application for Torino Lounge. The operators of the business discussed their plans for the business and the proposed live entertainment formats which included the following:

- Sunday Mariachi brunch,
- Spanish Flamenco dance performances,
- Jazz and classical music performed by Paramount High School Students,
- Bossa nova (a Brazilian melodic form of music), and
- Big Band musicians, Latin Jazz, and a solo violinist.

After reviewing the proposed venues and establishing the conditions and guidelines, the City Council approved the Live Entertainment Permit.

Since the approval of the Live Entertainment Permit in 2011 and through 2015, there have been numerous calls for service for law enforcement related to Torino Lounge operations to the extent that the City Council conducted a public hearing on November 3, 2015 in order to review the Live Entertainment Permit activity at Torino Lounge. After hearing all the evidence, the City Council voted to set a review date for February 2, 2016 in order to determine if the business owners have addressed the chronic problems existing at Torino Lounge.

In a time span of a little over a month from that City Council Public Hearing on November 3, 2015, a shooting incident occurred at Torino Lounge on December 4, 2015 wherein there were allegations by Los Angeles County Deputies of Torino Lounge staff hampering crime scene management. This is a violation of Condition No. 9 of Torino Lounge's Live Entertainment Permit which states as follows:

*“The owners, managers, and persons designated to be responsible for the operation of the business shall cooperate fully with all city officials, law enforcement personnel, and Code Enforcement officers, and **shall not obstruct or impede their entrance into the licensed premises while in the course of their official duties.**” (emphasis added)*

This shooting incident, along with the prior chronic violations occurring at the Torino Lounge prompted the City Council to conduct a public Administrative Hearing on January 5, 2016 wherein, after hearing all evidence presented, the City Council voted to suspend the Live Entertainment Permit at Torino Lounge and set a public hearing on Tuesday, January 19, 2016 to consider revocation of that Live Entertainment Permit.

Copies of the November 3, 2015 Staff Report and the January 5, 2016 Staff Report identifying all activity and issues surrounding the operations of Torino Lounge are attached hereto as Exhibits “A” and “B” respectively and incorporated herein by reference as if fully set forth herein.

At the time of the investigation of the shooting incident by Los Angeles County Sheriff Deputies at Torino Lounge, there was an issue of a non-operational surveillance camera on the night of the shooting that would have captured the suspected shooter. Despite the requirement that all cameras must be maintained, Torino Lounge business manager, Mr. Sergio Peña, could not provide to Lt. David Auner of the Los Angeles County Sheriff’s Department a time frame as to when this camera became disabled. Lt. Auner requested Mr. Peña inform him when the camera is repaired and the contact information for the repair personnel. To date, the requested information has not been provided to either the Los Angeles County Sheriff’s Department or the City’s Public Safety Director by any representative of Torino Lounge.

Since the January 5, 2016 Administrative Hearing to suspend the Live Entertainment Permit at Torino Lounge, City staff discovered that Torino Lounge has had disciplinary action taken against it by the Department of Alcoholic Beverage Control (“ABC”) in violation of both the California Business and Professions Code and the Penal Code.

On or about October 21, 2015, the ABC found cause for suspension or revocation of Torino Lounge’s alcohol license on the following counts:

Count 1

**February 6, 2015** - “offering to sell, furnish or give away an alcohol solution of a potable nature containing a deleterious or poisonous substance, in violation of Penal Code Section 347(b).”

Count 2

**March 6, 2015** – “permitted a minor, under the age of 21 years of age to enter and remain in the licensed premises without lawful business therein, in violation of Business and Professions Code Section 25665.”

### Count 3

**March 6, 2015** – “permitted a minor, under the age of 21 years of age to enter and remain in the licensed premises without lawful business therein, in violation of Business and Professions Code Section 25665.” (This is a separate violation involving another minor.)<sup>1</sup>

Torino Lounge executed a Stipulation and Waiver for a Prehearing Settlement on October 21, 2015 wherein it agreed to pay a fine in lieu of serving the suspension.

A copy of the ABC’s Decision and Certificate of Decision, including the related documentation against Torino Lounge involving the above referenced allegations is attached hereto as Exhibit “C” and incorporated herein by reference as if fully set forth herein.

The evidence presented through the actions taken by ABC against Torino Lounge is a direct violation of Condition No. 27 of the Live Entertainment Permit which states:

*“Failure to comply with the above conditions and/or any applicable laws shall be cause for the suspension or revocation of this permit.”*

### **SUMMARY**

Despite numerous efforts by the City’s Public Safety personnel to require the business owners to address the above identified chronic public safety issues that have occurred at the Torino Lounge since 2014, the business owners have engaged in a pattern and practice of allowing conditions at Torino Lounge to exist which has escalated to a level where business operations in violation of several conditions of approval in connection with their Live Entertainment permit, are injurious to the public health, safety and welfare of the community of the City of Paramount. The evidence presented from the initial investigation of the latest shooting incident on December 4, 2015 as well as the disciplinary action taken against Torino Lounge by ABC for numerous violations of state law appear to be rationally related to the Live Entertainment Permit at the Torino Lounge.

### **RECOMMENDED ACTION**

It is recommended that the City Council conduct a Public Hearing to consider the written and oral testimony and read by title only and adopt Resolution No. 16:001 approving the revocation of a Live Entertainment Permit at Torino Lounge located at 14123 Garfield Avenue and to direct staff to mail a copy of the Resolution to the business owners/managers of Torino Lounge.

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<sup>1</sup> Investigative Reports show that the minors who were the recipients of alcohol being illegally served by Torino Lounge staff were subsequently involved in a car accident wherein the minor driver failed to stop at a red light. Five (5) people were injured. The incident occurred at approximately 3 am on March 7, 2015.

**City of Paramount  
EXHIBIT A**

**Agenda Report – November 3, 2015**



**To:** Honorable City Council  
**From:** John Moreno  
**By:** Maria Meraz/Adriana Lopez  
**Date:** November 3, 2015

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**Subject: REVIEW OF LIVE ENTERTAINMENT PERMIT- TORINO LOUNGE  
14123 GARFIELD AVENUE**

## **BACKGROUND**

Torino Lounge is located at 14123 Garfield Avenue between Rosecrans Avenue and Quimby Street, the former location of the CCs Roadhouse Bar. In 2011, the property underwent significant improvements through the Commercial Rehabilitation Program. The property is owned by the El Gran Torino Corporation and the Torino Lounge is owned and operated by Frances Peña and her husband. On October 4, 2011, the business owners appeared before the City Council to request a Live Entertainment Permit. They discussed their plans for the business and the proposed live entertainment formats which included the following:

- Sunday mariachi brunch,
- Spanish Flamenco dance performances,
- Jazz and classical music performed by Paramount High School students,
- Bossa nova (a Brazilian melodic form of music),
- Salsa bands, cover bands, Spanish rock groups, and
- Big band musicians, Latin jazz, and a solo violinist.

After reviewing the proposed formats and establishing conditions and guidelines, the City Council approved a Live Entertainment permit for the lounge. There were twenty-seven conditions attached to the approval of the Live Entertainment Permit. The lounge owners signed an affidavit and acceptance form, dated October 12, 2011, acknowledging and accepting the conditions of approval.

The first two conditions of the Live Entertainment permit are:

1. Performances shall be permitted inside the lounge on Wednesdays between 7:30 p.m. and 11:00 p.m., Thursdays through Saturdays between 7:30 p.m. and 2:00 a.m., and Sundays between 12:00 p.m. and 10:30 p.m.
2. If the Public Safety Director determines that a significant number of incidents impacting the public peace, health, safety, or general welfare are occurring at the restaurant, the City Council shall have the authority to review the City Council Permit and may revoke or modify the Permit in order to protect the public peace, health and safety, and general welfare.

This report will raise some of the issues in connection with business operations that have come to the attention of public safety and appear to be in violation of the above referenced conditions of approval.

## **REVIEW OF ACTIVITY**

To ensure that the conditions of approval for the Live Entertainment Permit are in compliance, the Sheriff's Department has been documenting the law enforcement incidents occurring at the lounge since 2011. The calls for service in 2011, 2012 and 2013 were mostly limited to property crimes and false alarm activation calls. An exception occurred in October of 2013 when a Torino Lounge employee was arrested for being intoxicated in a public forum.

In 2014, the calls for service included two calls of fights in the parking lot. Then, in November, 2014, deputies responded to a "shots-fired" call in the Torino Lounge parking lot. A witness stated that an individual brandished a hand gun and fired four times. The suspect fled the scene and was not apprehended. The handling deputy recovered four .40 caliber shell casings from the parking lot. Based on this incident, the Public Safety Director, LASD personnel and Deputy District Attorney, Kelly Tatman, met with the business owners to discuss the increase in calls for service and the escalating nature of the calls. The business owners were reminded that one of the conditions (Condition No. 24) of their live entertainment permit was to provide a minimum of two professional security guards for live entertainment events held on Friday and Saturday nights. The owners agreed to ensure security guards were present when required, to deter criminal activity.

On April 9, 2015, there was an additional call of a fight in the parking lot of the Torino Lounge and multiple calls were received regarding the altercation. These calls were received just after 1:00 a.m. and deputies encountered uncooperative parties who refused to provide them with information about what happened. That evening there were security guards at the location but they were uncooperative. The Public Safety Director, once again, felt it necessary to meet with the business owners and on April 20, 2015 another meeting was held. During the meeting, the business owners reported that they added a Wednesday "Hip-Hop" night to their live entertainment format and that these events were handled by an outside promoter and lasted until 2:00 a.m. The business owners were reminded that a condition of approval to their permit prohibited live entertainment on Wednesday nights past 11:00 p.m. They were also told that the nature of the incidents occurring at the location had become a concern. All twenty-seven conditions of approval to the Live Entertainment Permit were reviewed with the business owners and their managers. The business owners agreed to comply with the conditions of their Live Entertainment Permit.

On July 23, 2015 at 1:26 a.m., Thursday morning, one of the Torino Lounge managers called and requested assistance with a crowd of people arguing and a reckless driver. Deputies responded and dispersed the crowd but were not able to determine whether there was any live entertainment which contributed to the disturbance. On August 20, 2015, deputies responded to an "armed robbery call" that had occurred at Torino Lounge. A Torino Lounge patron was leaving the establishment when he was approached by an individual holding a handgun. The suspect pointed the gun at the victim and took his gold necklace. This incident took place on Thursday morning at 1:40 a.m. During the investigation of the incident, it was determined that there was live entertainment on Wednesday night and it carried over beyond 11:00 p.m., which is

prohibited under Condition No. 1 of the Live Entertainment Permit. Following these incidents, the Public Safety Director, along with LASD personnel and District Attorney, Kelly Tatman, met with the business owners on September 1, 2015 to discuss the on-going issues on Wednesday nights. The business owners confirmed that, indeed, they continued to host “Hip-Hop” nights on Wednesdays and continued to work with an outside promoter even after the April 20, 2015 meeting. The business owners were then told that the calls for service had escalated and the live entertainment format had changed by including the “Hip Hop” nights on Wednesdays and therefore it was necessary to have the Live Entertainment Permit presented to the City Council for review.

A table outlining calls-for-service and patrol checks from January 2011 thru October 3, 2015 is included for your review.

## **OTHER ISSUES**

In February, 2015, Alcohol Beverage Control (ABC) agents, along with the Special Assignment team and Code Enforcement, conducted a compliance operation at four establishments in Paramount, including Torino Lounge. The ABC agents issued a notice to Torino Lounge for not posting required signage and issued a violation for having contaminated bottles. The Code Enforcement Officer identified electrical outlets without the proper cover plates and a vent on the water heater that needed repair. The code enforcement violations were corrected promptly.

In addition to violating the timeframe for live entertainment on Wednesday nights, Torino Lounge failed to adhere to other conditions outlined in their Live Entertainment Permit. On July 16, 2015 they hosted a Mariachi event in the early afternoon, without obtaining a Special Event Permit. A Mariachi band was performing outside of the establishment with amplified equipment, which is a violation of their Live Entertainment Permit. When Code Enforcement Officers asked if they had a Special Event Permit, the performers stated that a permit had been obtained. Management staff for Torino Lounge was contacted and acknowledged that a permit application had not been submitted. The business owners knew about the Special Event Permit process because they had previously submitted an application to hold a large 4<sup>th</sup> of July event at the location with an outdoor beer bar and 6-10 bands. This application was denied.

As a result of the Wednesday night live entertainment events, parking issues have surfaced at surrounding businesses. Torino Lounge was charging for valet parking and patrons who did not utilize this service, traveled to parking lots at neighboring businesses, without permission. The business owners of the small shopping center on the northwest corner of Garfield Avenue and Rosecrans Avenue complained to city staff about the negative impact Torino Lounge was having on the availability of parking for their tenants and their patrons. When city staff met with the lounge owners in September 2015, they represented to staff that they had been contacted directly by other business owners and that they were taking action to curtail their patrons from parking in these other retail centers.

## **SUMMARY**

The Torino Lounge has operated with a Live Entertainment Permit since late 2011. Public Safety and the Sheriff’s Department have closely monitored activity at this establishment and have concerns that the operators of the establishment are not complying with the required conditions

of approval, despite repeated attempts by city staff requesting compliance from the business owners. For example, it appears that the business owners of the Torino Lounge are operating a live entertainment format which is different than what was presented at the time the permit was approved by the City Council. As stated earlier in the staff report, the business owners presented live entertainment formats that included 1) mariachi bands, 2) Spanish dance performances, 3) jazz and classical music, 4) Bossa nova, 5) salsa bands, 6) big band musicians, Latin jazz and a solo violinist. In reliance on those identified formats, the City Council was comfortable to approve the Live Entertainment Permit. However, the business owners changed the format and added a Wednesday night “Hip Hop” event handled by an outside promoter. Some of the calls for service handled by the Sheriff’s Department were directly related to this format on Wednesday nights.

After the last meeting in September 2015, where business owners were advised that their permit would be reviewed by the City Council, it appears that activity was curtailed on Wednesday nights and there has only been one call for service to the location since then. That call for service was on October, 3, 2015 just after 1:00 a.m., Saturday. The call was for a disturbance in which a security guard pepper sprayed a patron. The incident occurred on a night when live entertainment was permitted until 2:00 a.m. and appears to have no nexus to violation of the permit.

If the business owners comply with the conditions of approval identified in their Live Entertainment Permit, city staff believes most of the incidents of concern would be curtailed. Staff recommends the Live Entertainment Permit be reviewed by the City Council within three months, and that the Live Entertainment Permit be suspended and or revoked if problems continue to persist due to the business owner’s failure to adhere to the conditions specified in their Live Entertainment Permit.

## **RECOMMENDED ACTION**

It is recommended that the City Council conduct a public hearing to review the Live Entertainment Permit and activity at Torino Lounge located at 14123 Garfield Avenue and set a review date for February 2, 2016, the 3 month period specified in the report.

**SUMMARY OF TORINO LOUNGE ACTIVITY**  
**January 2011 to October 3, 2015**

SOURCES: Calls for Service/Incident History Reports

**CALLS FOR SERVICE**

**DEPUTY OBSERVATIONS/SELF-INITIATED/PATROL CHECKS/PREDPOL**

**REPORT TAKEN**

02/05/2011 11:32 p.m.	Attempted Theft of a Vehicle	Informant returned to his car originally parked in front of the location to find his driver's side window smashed and steering column ripped open. Report Taken: 11-02664.
02/13/2011 9:16 p.m.	Vehicles Cited	Observation by Deputy.
05/21/2011 3:23 p.m.	Red Tagged Vehicle	At the request of Code Enforcement Supervisor Fred Bertsche.
05/25/2011 4:22 p.m.	Red Tagged Vehicle Follow-Up	Unable to locate previously red tagged vehicles.
06/18/2011 9:24 a.m.	Burglary Alarm Call	Kitchen and Stage Motion Detector. Accidental activation, no evidence of a burglary. Contacted Joseph Hernandez.
07/03/2011 2:11 p.m.	Burglary Alarm Call	Accidental Activation. Contact Joseph Hernandez.
10/19/2011 12:47 p.m.	Burglary Alarm Call	Accidental Activation. Contact Joseph Hernandez. Ongoing problem according to deputy entry.
10/20/2011 9:48 a.m.	Burglary Alarm Call	Accidental Activation. Contact Joseph Hernandez.
11/13/2011 7:04 a.m.	Burglary Alarm Call	Area Checks o.k. Location closed.
08/03/2012 11:50 p.m.	Patrol Check	Location Checks o.k.
08/04/2012 1:19 a.m.	Patrol Check	Location Checks o.k.
08/18/2012 10:01 p.m.	Patrol Check	Closed for Business
08/21/2012 7:37 a.m.	Burglary Report	Caller Joseph Hernandez states unknown persons entered the business when it was closed. No items taken. Report: 912-15665-1364-077.
11/11/2012 10:37 p.m.	Patrol Check	Location checks o.k.

02/16/2013 12:13 a.m.	Patrol Check	Location checks o.k.
05/08/2013 8:50 p.m.	Vehicle Burglary Report	Unknown persons broke into vehicle and stole misc. items. Report taken: 913-09457-1364-384.
05/17/2013 7:48 p.m.	Call to Paramount Station	Caller indicates that employees at Torino Lounge are blocking traffic on Garfield Avenue with cones for Valet Parking. Deputies note that traffic lanes are not blocked and cones moved.
07/04/2013 1:46 a.m.	Fight Call	Male and Female attacked another female at the location. Deputies contact victim who is non desirous of report.
07/25/2013 11:43 p.m.	Stolen Vehicle	Call regarding stolen Toyota Camry from location. Report Taken: 915-14554-1364-091.
08/10/2013 1:14 a.m.	Anonymous Call	Caller reports that a male white is trying to sell cocaine to lounge customers. Deputies respond and unable to locate disturbing party.
10/16/2013 6:40 p.m.	Drunk Call	Ricardo Hernandez calls to report his day shift custodian came into the lounge drunk and caused a disturbance. Employee arrested, report taken: 913-20261-1364-201.
12/29/2013 9:20 a.m.	Vandalism and Theft Call	Joseph Hernandez reports unknown persons smashed front door and stole TV from location. Report taken: 913-25204-1364-061.
02/25/2014 11:54 a.m.	Burglary Report	Joseph Hernandez reports unknown persons stole items from location. Report taken: 914-03689-1364-074.
03/01/2014 10:35 p.m.	Patrol Check	Location checks clear.
06/22/2014 1:53 p.m.	Alarm Activation	Per alarm company, accidental activation.

10/04/2014 2:08 a.m.	Fight Call	Approximately 30 people fighting in the parking lot of the location. Upon arrival, deputies are unable to locate disturbing parties. Incident History Report printed from call.
10/11/2014 1:10 a.m.	Fight Call	Incident History Report states that numerous people fighting in parking lot. Deputies unable to locate disturbing parties.
10/31/2014 11:42 p.m.	Vehicle Burglary Report	Customer states someone broke into her car at the location and stole her purse. Report Taken: 13-20530-13.
11/10/2014 2:09 a.m.	Shooting Call	Numerous calls of a shooting inside the location. Upon arrival, deputies determine unlawful discharge of a firearm in negligent manner outside the club. Report taken: 14-21152-13.
11/13/2014 10:05 p.m.	Alarm Activation	Alarm company contacted and states location is clear.
12/27/2014 2:40 a.m.	Patrol Check	Area checks o.k.
01/18/2015 12:57 a.m.	Deputy Observation	Contacted Ricardo Hernandez regarding allow persons to peddle to customers directly in front of his business.
03/08/2015 3:34 p.m.	Alarm Call	Accidental activation by cleaning worker.
03/15/2015 4:04 a.m.	Burglary Call	Location checks o.k. No evidence of a burglary.
04/09/2015 1:17 a.m.	Fight Call	Numerous people outside arguing in front of location. One disturbing party contacted and refused to provide information. Numerous calls came in.
04/10/2015 1:57 a.m.	Narcotics Sales Call	Caller reports that security at the location is selling cocaine to lounge customers. Deputies determine boyfriend/girlfriend dispute and counsel parties.
04/19/2015 1:14 a.m.	Stolen Vehicle	Car stolen from location. Report taken. 15-07617.
05/02/2015 12:17 a.m.	Alarm Activation	Area Checks o.k.

05/03/2015 9:53 a.m.	Patrol Check	Area Checks o.k.
06/05/2015 1:36 a.m.	Vehicle Burglary	Report Taken 915-11040-1364-340.
06/05/2015 2:04 a.m.	Fight Call	Crowd of people verbally disruptive and intoxicated with a potential fight pending outside the location. Deputies stand by while crowd disperses.
06/13/2015 8:44 a.m.	Predpol	Area Checks o.k.
06/17/2015 4:23 p.m.	Predpol	Area Checks o.k.
06/18/2015 1:27 a.m.	Vehicle Burglary	Unknown person broke into victim's car and stole misc. items. Report taken: 15-11927-13.
06/19/2015 4:19 p.m.	Predpol	Area checks o.k.
06/30/2015 7:22 p.m.	Alarm Activation	Area clear according to alarm company.
07/02/2015 1:09 p. m.	Predpol	Area checks o.k.
07/03/2015 3:30 a.m.	Grand Theft Call	Ricardo Hernandez reports theft from location. Report taken: 15-13065-13.
07/05/2015 10:27 a.m.	Predpol	Area checks o.k.
07/12/2015 3:43 a.m.	Alarm Activation	No burglary, employee activated alarm on accident.
07/16/2015 4:18 p.m.	Loud Noise Call	Loud Music coming from location. Informant is Paramount Auto Dismantlers, a neighboring business complaining that noise is disrupting their business. Contacted Ricardo Hernandez who turned music down.

07/16/2015 2:45 a.m.	Narcotics Arrest	Male black contacted parked on Garfield Avenue in his vehicle near Torino Lounge. Male admits to just leaving Torino Lounge. After search of vehicle, male arrested for possession of narcotics for sales. Report taken: 915-13894-1364-184.
07/23/2015 1:26 a.m.	Business Disturbance	Several people outside location arguing. White vehicle doing donuts on Garfield Avenue in front of location. Ricardo Hernandez requests assistance with crowd. Parties dispersed.
07/23/2015 11:49 p.m.	Traffic Collision	Escalade crashed into a parked vehicle. Subject inside arrested for DUI. 15-14449-13.
07/26/2015 1:15 a.m.	Vehicle Burglary	Patron returns to his car to find it stolen. Report taken: 15-14603-13.
07/27/2015 10:03 a.m.	Predpol	Area checks o.k.
07/27/2015 1:19 p.m.	Predpol	Area checks o.k.
07/30/2015 11:20 a.m.	Predpol	Area checks o.k.
07/30/2015 3:19 p.m.	Predpol	Area checks o.k.
08/06/2015 1:34 a.m.	Business Disturbance Call	Two male blacks arguing in front of location. Unable to locate on deputies arrival.
08/08/2015 1:49 a.m.	Business Disturbance Call	Three males at the location refusing to pay bill. Verbal Dispute, no weapons. Contacted Ricardo Hernandez, card of customers declined. D/P's friend pays bill.
08/20/2015 12:22 a.m.	Theft Report	Customers report that purses were stolen from their car while at the location. Report taken: 15-16433-13.
08/20/2015 1:47 a.m.	Armed Robbery Call	Male black robbed victim for his chain just outside the location at gunpoint. Report taken: 15-16435-13.

<b>08/21/2015</b> <b>1:26 a.m.</b>	<b>Business Disturbance</b>	Informant's nephew assaulted by security staff. No medical assistance needed. Informant non desirous.
<b>08/22/2015</b> <b>2:16 a.m.</b>	<b>Patrol Check</b>	Location checks o.k.
<b>08/22/2015</b> <b>2:16 a.m.</b>	<b>Crowd Control</b>	Deputies assist with crowd dispersing.
<b>08/29/2015</b> <b>1:59 a.m.</b>	<b>Fight Call</b>	Informant is security at location and reports his friend punched him twice at the location and left. Deputies unable to locate disturbing party.
<b>10/03/2015</b> <b>1:29 a.m.</b>	<b>Disturbance Call</b>	Security at location pepper sprayed individuals outside of the location. Deputies counseled all parties involved.

**City of Paramount  
EXHIBIT B**

**Agenda Report – January 5, 2016**



**To:** Honorable City Council  
**From:** John Moreno  
**By:** John Cavanaugh, City Attorney  
**Date:** January 5, 2016

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**Subject: SUSPENSION OF LIVE ENTERTAINMENT PERMIT – TORINO LOUNGE  
14123 GARFIELD AVENUE**

## **BACKGROUND**

Torino Lounge is located on the west side of Garfield Avenue between Quimby Street and Rosecrans Avenue at 14123 Garfield Avenue. In 2011, the business owner of Torino Lounge was approved to operate the establishment Wednesdays through Sundays between 3:00 p.m. and 2:00 a.m. and Mondays and Tuesdays between 3:00 p.m. and 11:00 p.m. as a Spanish tapas lounge. At its October 4, 2011 meeting, the City Council considered a Live Entertainment Permit application for Torino Lounge. The operators of the business discussed their plans for the business and the proposed live entertainment formats which included the following:

- Sunday Mariachi brunch,
- Spanish Flamenco dance performances,
- Jazz and classical music performed by Paramount High School students,
- Bossa nova (a Brazilian melodic form of music), and
- Big Band musicians, Latin Jazz, and a solo violinist.

After reviewing the proposed venues and establishing the conditions and guidelines, the City Council approved the Live Entertainment Permit.

Since the approval of the Live Entertainment Permit in 2011, there have been numerous calls for service for law enforcement related to Torino Lounge operations. In addition thereto, Torino Lounge has been operating in violation of conditions of approval of the Live Entertainment Permit, including:

- (1) Conducting live entertainment beyond the time limitations required under the conditions of approval; and
- (2) Conducting live entertainment beyond the scope of the approved live entertainment formats.

## **MEETINGS BETWEEN CITY PUBLIC SAFETY PERSONNEL AND TORINO LOUNGE REPRESENTATIVES TO ADDRESS THE CHRONIC VIOLATIONS AND CALLS FOR SERVICE**

Since the approval of the Live Entertainment Permit for Torino Lounge, the following meetings had taken place in an effort to address the chronic violations of conditions of approval and escalated calls for service:

- On or about December 3, 2014, the Public Safety Director, along with Los Angeles County Sheriff's Department personnel and the Deputy District Attorney met with the business owners to discuss the increase calls for service and the escalating nature of the calls. The business owners were reminded that one of the conditions (Condition No. 24) requires that a minimum of two security guards with valid guard licenses must be present for live entertainment events held on Friday and Saturday nights.
- On or about April 20, 2015, the business owners met with personnel from Public Safety, Los Angeles County Sheriff's Department, and the District Attorney's Office to discuss the on-going concerns with the lounge. During the meeting, the business owners reported that they had **added** a Wednesday "Hip-Hop" night to their venue, and they were working with an outside promoter for their Wednesday night events. The business owners were reminded that their Live Entertainment Permit did not allow for a Wednesday night event to continue past 11:00 p.m. They were also told that the severity of the incidents occurring at the location had become a concern. They were reminded that one of the conditions of their Live Entertainment Permit specified that if the Public Safety Director determined that a significant number of incidents impacting the public peace, health, safety, or general welfare were occurring at the lounge, the City Council would have the authority to review the permit and revoke or modify it if necessary to protect the public peace, health and safety, and general welfare. The business owners agreed to make the necessary changes to the venue and follow the conditions of their Live Entertainment Permit.
- On or about September 1, 2015, a meeting was held with the Public Safety Director to discuss the on-going Wednesday night events that are going past the approved time of 11:00 p.m. The business owners confirmed that, indeed, they had continued to host "Hip-Hop" nights on Wednesdays and had continued working with the promoter even after the April 20, 2015 meeting. During the meeting, the Public Safety Director stated the calls for service had escalated to a point, where it was necessary to have the Live Entertainment Permit presented to the City Council for review.

On November 3, 2015 the City Council conducted a public hearing to review the Live Entertainment Permit and activity at Torino Lounge. After hearing all the evidence, the City Council voted to set a review date for February 2, 2016 in order to determine if the business owners have addressed the chronic problems existing at Torino Lounge.

A copy of the November 3, 2015 Staff Report identifying all activity and issues surrounding the operations of Torino Lounge is attached hereto as Exhibit “A” and incorporated herein by reference as if fully set forth herein.

### **Shooting Incident at Torino Lounge on December 4, 2015**

The following is a narrative given by Lieutenant David Auner in connection with a shooting incident that occurred at Torino Lounge on December 4, 2015:

On December 4, 2015, Lt. Auner met with the deputies who responded to the shooting incident at Torino Lounge. Deputies Chapman and Razo reported their investigation; however, crime scene management was hampered by the staff of the business

Specifically:

- (1) Security staff were uncooperative with law enforcement efforts to locate and preserve potential witnesses.
- (2) Security staff were not following the instructions of deputy personnel regarding crime scene preservation.
- (3) Security staff tampered with crime evidence.

Live Entertainment Permit Condition No. 9 states that “the owners, managers, and persons designated to be responsible for the operation of the business shall cooperate fully with all city officials, law enforcement personnel, and code enforcement officers, and shall not obstruct or impede their entrance in to the licensed premises while in the course of their official duties.”

On December 5, 2015, Lt. Auner met with Detective Brown who is the assigned investigator for this incident.

Detective Brown informed Lt. Auner that he was not receiving cooperation from the owners or employees of the lounge regarding the shooting incident. Detective Brown had made several attempts to phone persons identified as employees and had not yet received return calls. Detective Brown had not received any video surveillance of the incident. Detective Brown believed the video would be provided by the owners as indicated to the responding deputies.

On December 6, 2015 at approximately 1:30 a.m., Lt. Auner visited the Torino Lounge and spoke with Sergio Peña. Lt. Auner shared the concerns with the uncooperativeness of the security staff and employees the night of the shooting. Lt. Auner took Deputy Razo to this visit as she was one of the responding personnel the night of the shooting. Lt. Auner discussed the initial crime scene and subsequent investigation concerns with Mr. Peña. Throughout the discussion Mr. Peña provided a differing opinion at the level of cooperativeness of his staff with emergency personnel. Mr. Peña also admitted that neither he nor any other manager had provided the video footage to detectives.

The issue of video was discussed by Lt. Auner with Mr. Peña. The one camera that was not operational the night of the shooting is the camera that would have captured the suspected

shooter. Mr. Pena could not provide Lt. Auner a time frame as to when this camera became disabled (Live Entertainment Condition No. 23 states that “approved cameras or more technologically advanced versions of the approved cameras shall be maintained in perpetuity”). Lt. Auner requested Mr. Peña inform him when the camera is repaired and the contact information for the repair personnel.

Lt. Auner asked to speak with the employees, security, and waitresses who were working the night of the incident; however, Mr. Peña told Lt. Auner none were available. Mr. Peña assured Lt. Auner he would provide the names of the employees by Monday, December 7, 2015.

After Lt. Auner’s preliminary inquiry into the concerns addressed by responding deputies and the handling detective, he concluded that concerns were in fact valid and with merit. The shooting incident and follow up investigation were negatively impacted by the actions of the Torino Lounge staff and security guards.

The investigation of the shooting incident at Torino Lounge by the Sheriff’s Department is ongoing.

## **SUMMARY**

Despite numerous efforts by the City’s Public Safety personnel to require the business owners to address the above identified chronic public safety issues that have occurred at the Torino Lounge since 2014, the business owners have engaged in a pattern and practice of allowing conditions at Torino Lounge to exist which has escalated to a level where business operations, in connection with their Live Entertainment Permit, are injurious to the public health, safety and welfare of the community of the City of Paramount. The evidence presented from the initial investigation of the latest shooting incident on December 4, 2015 appears to be rationally related to the live entertainment at the Torino Lounge.

## **RECOMMENDED ACTION**

It is recommended that the City Council conduct a public hearing to consider the written and oral testimony and to suspend the Live Entertainment Permit at Torino Lounge located at 14123 Garfield Avenue and set a public hearing on Tuesday, January 19, 2016 to consider revocation of the Live Entertainment Permit at Torino Lounge.

**City of Paramount  
EXHIBIT C**

**Disciplinary Documents by  
Department of Alcoholic Beverage Control (ABC)  
Taken Against Torino Lounge**

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

**IN THE MATTER OF THE ACCUSATION  
AGAINST:**

MESON TAURINO CORPORATION  
TORINO LOUNGE  
14123 GARFIELD AVE  
PARAMOUNT, CA 90723-2513

ON-SALE GENERAL PUBLIC PREMISES -  
LICENSE

LB/LAKEWOOD DISTRICT OFFICE

File: 48-518566

Reg: 15083302

**DECISION AND CERTIFICATE OF  
DECISION**

Respondent(s)/Licensee(s)  
Under the Alcoholic Beverage Control Act

The above-entitled matter having regularly come before the Department for decision and the respondent(s) having filed a stipulation and waiver, on October 21, 2015 (attached hereto and incorporated by reference herein), in connection with the accusation herein in which respondent(s) waives right to hearing, reconsideration and appeal, and good cause appearing, the Department hereby adopts the terms of the stipulation and waiver as its decision in this matter and further finds that, pursuant to said stipulation and waiver, cause for disciplinary action has been established.

Grounds for suspension or revocation have been established under Article XX, Section 22 of the State Constitution and Business and Professions Code section 24200(a&b).

It is hereby certified that the Department of Alcoholic Beverage Control adopted the foregoing as its decision in this matter, effective immediately.

The beginning date of the suspension will be delayed until further notice, pursuant to section 23095, to consider your request to make an offer in compromise (pay a fine) in lieu of actual suspension of the license.

Sacramento, California  
Dated: November 9, 2015



Matthew D. Botting  
General Counsel

**NOTE:** If the stipulation and waiver includes suspension or revocation of the license, the suspension or revocation does not start until the license certificate is picked up by the Department and a notice of suspension or revocation is posted at the licensed premises. A representative of the Department will contact you to make the necessary arrangements.

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

<p>IN THE MATTER OF THE ACCUSATION AGAINST:</p> <p>MESON TAURINO CORPORATION TORINO LOUNGE 14123 GARFIELD AVE PARAMOUNT, CA 90723-2513</p> <p>ON-SALE GENERAL PUBLIC PREMISES - LICENSE</p> <p>under the Alcoholic Beverage Control Act.</p>	<p>File: 48-518566</p> <p>Reg: 15083302</p> <p style="text-align:center">DECLARATION OF SERVICE BY MAIL</p>
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The undersigned declares:

I am employed at the Department of Alcoholic Beverage Control. I am over 18 years of age and not a party to this action. My business address is 3927 Lennane Drive, Suite 100, Sacramento, California 95834. On November 9, 2015, I served, by CERTIFIED mail (unless otherwise indicated) a true copy of the following documents:

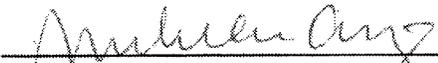
**DECISION AND CERTIFICATE OF DECISION**

on each of the following, by placing them in an envelope(s) or package(s) addressed as follows:

MESON TAURINO CORPORATION  
TORINO LOUNGE  
8140 FIRESTONE BLVD  
DOWNEY, CA 90241

and placing said envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with this department's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, County of Sacramento, State of California, in an envelope with the postage fully prepaid. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 9, 2015 at Sacramento, California.

  
\_\_\_\_\_  
Declarant's Name

LB/LAKEWOOD DISTRICT OFFICE (INTEROFFICE MAIL)  
 DIVISION OFFICE (INTEROFFICE MAIL)

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE ACCUSATION AGAINST	}	LB/LAKEWOOD
	}	
MESON TAURINO CORPORATION	}	FILE 48-518566
TORINO LOUNGE	}	
14123 GARFIELD AVE	}	REG. 15083302
PARAMOUNT, CA 90723-2513	}	
	}	<u>STIPULATION</u>
	}	<u>AND WAIVER</u>
	}	<u>FOR PREHEARING</u>
	}	<u>SETTLEMENT</u>

**Respondent(s)**

Licensee(s) under the Alcoholic Beverage Control Act

The above-named respondent(s) does hereby:

- (1) Acknowledge receipt of the accusation (with printed statement to respondent) and forms for notice of defense and stipulation and waiver in the above-entitled action.
- (2) Stipulate that disciplinary action may be taken on the accusation and that such discipline may be determined on the basis of the facts contained in the investigative reports on file with the Department.
- (3) Waive all rights to a hearing, reconsideration and appeal, and any and all other rights which may be accorded pursuant to the Alcoholic Beverage Control Act or the Administrative Procedure Act.
- (4) Acknowledge that the licensee(s) understand(s) that by waiving said rights the Director of the Department of Alcoholic Beverage Control may, without further notice, enter an order suspending the On-Sale General Public Premises License(s) at the above-mentioned premises for a period of 15 days, the effective date to be set by further order of the Director of the Department of Alcoholic Beverage Control.

(I) (We) wish to serve the suspension

(I) (We) wish to pay the fine in lieu of serving the suspension

Signed: Juanita R. Pena Dated: 10/21 2015

8140 Firestone Blvd. Downey Ca. 90241  
ADDRESS (Street number and name) City State Zip Code)

(562) 714-7094  
TELEPHONE NUMBER (including area code)

(If licensee is an individual, he/she must sign. If licensee is a partnership, at least one general partner must sign. If licensee is a corporation, an executive officer must sign showing his/her title.) **This prehearing settlement offer is made solely to promote an early resolution and to eliminate the uncertainty and cost of litigation. If you choose not to accept this settlement offer and, instead, take this matter to hearing, the penalty recommended by the Department may be more or less severe depending upon the evidence presented at hearing. This offer shall expire 15 days from the date this form was mailed to you.**

BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA

**In the Matter of the Accusation Against:**

MESON TAURINO CORPORATION

DBA: TORINO LOUNGE

PREMISES: 14123 GARFIELD AVE  
PARAMOUNT, CA 90723-2513

LICENSE(S): On-Sale General Public Premises

FILED

OCT 30 2015

ALCOHOLIC BEVERAGE CONTROL

File: 48-518566

Reg: 15083302

ACCUSATION UNDER  
ALCOHOLIC BEVERAGE  
CONTROL ACT AND  
STATE CONSTITUTION

I hereby complain and accuse the above respondent(s), holding the above license(s), based on the following statement of facts:

**COUNT 1**

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about February 6, 2015, respondent-licensee's agent or employee, Ricardo Hernandez-Rameriz, sold, furnished or gave away or offered to sell, furnish or give away an alcohol solution of a potable nature containing a deleterious or poisonous substance, in violation of Penal Code Section 347(b), to-wit:

NO.	LABEL/BRAND	CONAMINANT
1	Mission Bells Brandy, 1 liter bottle	bugs and/or debris
2	Dewars White Label Whiskey, 750 ml bottle	bugs and/or debris
3	J.P. Wisers Whiskey, 1 liter bottle	bugs and/or debris
4	Bookers Bourbon, 750 ml bottle	bugs and/or debris
5	Paddy Bee Sting Whiskey, 1 liter bottle	bugs and/or debris
6	Paddy Bee Sting Whiskey, 1 liter bottle	bugs and/or debris

**COUNT 2**

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about March 6, 2015, respondent-licensee(s), permitted Reynaldo Sanchez, a person under the age of 21 years, to enter and remain in the licensed premises without lawful business therein, in violation of Business and Professions Code Section 25665.

**COUNT 3**

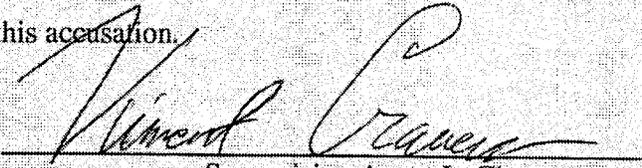
By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about March 6, 2015, respondent-licensee(s), permitted Gregory Sotello, a person under the age of 21 years, to enter and remain in the licensed premises without lawful business therein, in violation of Business and Professions Code Section 25665.

Licensee(s) Previous Record: Licensed as above since **May 15, 2012**, with no record of disciplinary action.

WHEREFORE, I recommend that a hearing be held on this accusation.

Dated this 21st day of October 2015.

  
Supervising Agent In Charge  
Department of Alcoholic Beverage Control

Reviewed:

Pursuant to Government Code Section 11507.6 discovery is requested to be provided to: **Dept. of Alcoholic Beverage Control, 12750 Center Court Drive, Suite 700, Cerritos, CA 90703 (562) 402-0659.**

STATEMENT TO RESPONDENT(S)

Unless a written request for a hearing, signed by you, or on your behalf, is delivered, or mailed, to the Department of Alcoholic Beverage Control within fifteen (15) days after the foregoing accusation was personally served on you or mailed to you, the Department of Alcoholic Beverage Control may proceed upon the accusation without a hearing to take action thereon as provided by law. The request for a hearing may be made by delivering or mailing the enclosed form entitled: "Notice of Defense", or by delivering or mailing a Notice of Defense to the **Department of Alcoholic Beverage Control, 12750 Center Court Dr., Ste 700, Cerritos, CA 90703**, as provided by Section 11506 of the Government Code. The "Notice of Defense" forwarded herewith, if signed and returned to the Department of Alcoholic Beverage Control, shall be deemed a specific denial of all parts of the accusation, but you will not be permitted to raise any objection to the form of the accusation, unless you file a further Notice of Defense as provided, in Section 11506 of the Government Code within said 15 days after service of said accusation upon you. At any or all stages of these proceedings, you have the right to be represented by counsel at your own expense or to represent yourself without legal counsel. You are not entitled to the appointment of an attorney to represent you.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify this agency within 10 working days after you discover the good cause. Failure to notify this agency within 10 days will deprive you of a postponement.

CITY OF PARAMOUNT  
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 16:001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT APPROVING THE REVOCATION OF A LIVE ENTERTAINMENT PERMIT AT TORINO LOUNGE AT 14123 GARFIELD AVENUE

THE CITY COUNCIL OF THE CITY OF PARAMOUNT HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

WHEREAS, the City Council of the City of Paramount received an application for a Live Entertainment Permit to allow live entertainment at the Torino Lounge located at 14123 Garfield Avenue (“Torino Lounge”); and

WHEREAS, on October 4, 2011, after reviewing the proposed live entertainment formats and establishing conditions of approval, the City Council approved the Live Entertainment Permit; and

WHEREAS, since the approval of the Live Entertainment Permit in 2011 and through 2015, there have been numerous calls for service for law enforcement related to Torino Lounge operations to the extent that the City Council conducted a public hearing on November 3, 2015 in order to review the Live Entertainment Permit activity at Torino Lounge. After hearing all the evidence, the City Council voted to set a review date for February 2, 2016 in order to determine if the business owners have addressed the chronic problems existing at Torino Lounge; and

WHEREAS, Condition No. 27 of the Live Entertainment Permit states that “Failure to comply with the above conditions and/or any applicable laws shall be cause for the suspension or revocation of this permit”; and

WHEREAS, in a time span of a little over a month from that City Council Public Hearing on November 3, 2015, a shooting incident occurred at Torino Lounge on December 4, 2015 wherein there were allegations, among others, by Los Angeles County Deputies of Torino Lounge staff hampering crime scene management relating to the shooting incident; and

WHEREAS, Condition No. 9 of the Live Entertainment Permit states that “The owners, managers, and persons designated to be responsible for the operation of the business shall cooperate fully with all city officials, law enforcement personnel, and Code Enforcement officers, and shall **not obstruct or impede their entrance into the licensed premises while in the course of their official duties.**” (emphasis added); and

WHEREAS, this shooting incident, along with the prior chronic violations occurring at the Torino Lounge prompted the City Council to conduct a public hearing on January 5, 2016 wherein, after hearing all evidence presented, the City Council voted to suspend the Live Entertainment Permit at Torino Lounge and set a public hearing on Tuesday, January 19, 2016 to consider revocation of that Live Entertainment Permit; and

WHEREAS, the November 3, 2015 Staff Report and the January 5, 2016 Staff Report identifying all activity and issues surrounding the operations and suspension of the Live Entertainment Permit for Torino Lounge are attached hereto as Exhibits "A" and "B" respectively and incorporated herein by reference as if fully set forth herein; and

WHEREAS, since the January 5, 2016 Administrative Hearing to suspend the Live Entertainment Permit at Torino Lounge, City Staff discovered that Torino Lounge has had disciplinary action taken against it by the Department of Alcoholic Beverage Control ("ABC") in violation of both the California Business and Professions Code and the Penal Code; and

WHEREAS, in addition to violating various provisions of state law as a result of the disciplinary action taken by ABC against Torino Lounge, said conduct also violated Condition No. 27 identified hereinabove; and

WHEREAS, despite numerous efforts by the City's Public Safety personnel to require the business owners to address the above identified chronic public safety issues that have occurred at the Torino Lounge since 2014, the business owners have engaged in a pattern and practice of allowing conditions at Torino Lounge to exist which has escalated to a level where business operations in violation of several conditions of their Live Entertainment Permit, are injurious to the public health, safety and welfare of the community of the City of Paramount; and

WHEREAS, the evidence presented from the initial investigation of the latest shooting incident on December 4, 2015 as well as the disciplinary action taken against Torino Lounge by ABC for numerous violations of state law appear to be rationally related to the Live Entertainment Permit at the Torino Lounge; and

WHEREAS, the City Council conducted a duly authorized and noticed public hearing in accordance with Section 26-42 of the Paramount Municipal Code where it considered all written and oral evidence in connection with requested action by the City Attorney to revoke the Live Entertainment Permit at Torino Lounge.

Section 1: The above recitations are true and correct and incorporated herein.

Section 2: The City Council finds that the evidence presented does warrant revocation of the Live Entertainment Permit at Torino Lounge.

Section 3: The order of the City Council revoking the Live Entertainment Permit at Torino Lounge shall be final and conclusive in accordance with Section 26-42 (c) of the Paramount Municipal Code.

Section 4: This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council this 19<sup>th</sup> day of January, 2016.

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Tom Hansen, Mayor

ATTEST:

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Lana Chikami, City Clerk

**City of Paramount**

**Resolution No. 16:001**

**EXHIBIT A**

**Agenda Report – November 3, 2015**



**To:** Honorable City Council  
**From:** John Moreno  
**By:** Maria Meraz/Adriana Lopez  
**Date:** November 3, 2015

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**Subject: REVIEW OF LIVE ENTERTAINMENT PERMIT- TORINO LOUNGE  
14123 GARFIELD AVENUE**

## **BACKGROUND**

Torino Lounge is located at 14123 Garfield Avenue between Rosecrans Avenue and Quimby Street, the former location of the CCs Roadhouse Bar. In 2011, the property underwent significant improvements through the Commercial Rehabilitation Program. The property is owned by the El Gran Torino Corporation and the Torino Lounge is owned and operated by Frances Peña and her husband. On October 4, 2011, the business owners appeared before the City Council to request a Live Entertainment Permit. They discussed their plans for the business and the proposed live entertainment formats which included the following:

- Sunday mariachi brunch,
- Spanish Flamenco dance performances,
- Jazz and classical music performed by Paramount High School students,
- Bossa nova (a Brazilian melodic form of music),
- Salsa bands, cover bands, Spanish rock groups, and
- Big band musicians, Latin jazz, and a solo violinist.

After reviewing the proposed formats and establishing conditions and guidelines, the City Council approved a Live Entertainment permit for the lounge. There were twenty-seven conditions attached to the approval of the Live Entertainment Permit. The lounge owners signed an affidavit and acceptance form, dated October 12, 2011, acknowledging and accepting the conditions of approval.

The first two conditions of the Live Entertainment permit are:

1. Performances shall be permitted inside the lounge on Wednesdays between 7:30 p.m. and 11:00 p.m., Thursdays through Saturdays between 7:30 p.m. and 2:00 a.m., and Sundays between 12:00 p.m. and 10:30 p.m.
2. If the Public Safety Director determines that a significant number of incidents impacting the public peace, health, safety, or general welfare are occurring at the restaurant, the City Council shall have the authority to review the City Council Permit and may revoke or modify the Permit in order to protect the public peace, health and safety, and general welfare.

This report will raise some of the issues in connection with business operations that have come to the attention of public safety and appear to be in violation of the above referenced conditions of approval.

## **REVIEW OF ACTIVITY**

To ensure that the conditions of approval for the Live Entertainment Permit are in compliance, the Sheriff's Department has been documenting the law enforcement incidents occurring at the lounge since 2011. The calls for service in 2011, 2012 and 2013 were mostly limited to property crimes and false alarm activation calls. An exception occurred in October of 2013 when a Torino Lounge employee was arrested for being intoxicated in a public forum.

In 2014, the calls for service included two calls of fights in the parking lot. Then, in November, 2014, deputies responded to a "shots-fired" call in the Torino Lounge parking lot. A witness stated that an individual brandished a hand gun and fired four times. The suspect fled the scene and was not apprehended. The handling deputy recovered four .40 caliber shell casings from the parking lot. Based on this incident, the Public Safety Director, LASD personnel and Deputy District Attorney, Kelly Tatman, met with the business owners to discuss the increase in calls for service and the escalating nature of the calls. The business owners were reminded that one of the conditions (Condition No. 24) of their live entertainment permit was to provide a minimum of two professional security guards for live entertainment events held on Friday and Saturday nights. The owners agreed to ensure security guards were present when required, to deter criminal activity.

On April 9, 2015, there was an additional call of a fight in the parking lot of the Torino Lounge and multiple calls were received regarding the altercation. These calls were received just after 1:00 a.m. and deputies encountered uncooperative parties who refused to provide them with information about what happened. That evening there were security guards at the location but they were uncooperative. The Public Safety Director, once again, felt it necessary to meet with the business owners and on April 20, 2015 another meeting was held. During the meeting, the business owners reported that they added a Wednesday "Hip-Hop" night to their live entertainment format and that these events were handled by an outside promoter and lasted until 2:00 a.m. The business owners were reminded that a condition of approval to their permit prohibited live entertainment on Wednesday nights past 11:00 p.m. They were also told that the nature of the incidents occurring at the location had become a concern. All twenty-seven conditions of approval to the Live Entertainment Permit were reviewed with the business owners and their managers. The business owners agreed to comply with the conditions of their Live Entertainment Permit.

On July 23, 2015 at 1:26 a.m., Thursday morning, one of the Torino Lounge managers called and requested assistance with a crowd of people arguing and a reckless driver. Deputies responded and dispersed the crowd but were not able to determine whether there was any live entertainment which contributed to the disturbance. On August 20, 2015, deputies responded to an "armed robbery call" that had occurred at Torino Lounge. A Torino Lounge patron was leaving the establishment when he was approached by an individual holding a handgun. The suspect pointed the gun at the victim and took his gold necklace. This incident took place on Thursday morning at 1:40 a.m. During the investigation of the incident, it was determined that there was live entertainment on Wednesday night and it carried over beyond 11:00 p.m., which is

prohibited under Condition No. 1 of the Live Entertainment Permit. Following these incidents, the Public Safety Director, along with LASD personnel and District Attorney, Kelly Tatman, met with the business owners on September 1, 2015 to discuss the on-going issues on Wednesday nights. The business owners confirmed that, indeed, they continued to host “Hip-Hop” nights on Wednesdays and continued to work with an outside promoter even after the April 20, 2015 meeting. The business owners were then told that the calls for service had escalated and the live entertainment format had changed by including the “Hip Hop” nights on Wednesdays and therefore it was necessary to have the Live Entertainment Permit presented to the City Council for review.

A table outlining calls-for-service and patrol checks from January 2011 thru October 3, 2015 is included for your review.

## **OTHER ISSUES**

In February, 2015, Alcohol Beverage Control (ABC) agents, along with the Special Assignment team and Code Enforcement, conducted a compliance operation at four establishments in Paramount, including Torino Lounge. The ABC agents issued a notice to Torino Lounge for not posting required signage and issued a violation for having contaminated bottles. The Code Enforcement Officer identified electrical outlets without the proper cover plates and a vent on the water heater that needed repair. The code enforcement violations were corrected promptly.

In addition to violating the timeframe for live entertainment on Wednesday nights, Torino Lounge failed to adhere to other conditions outlined in their Live Entertainment Permit. On July 16, 2015 they hosted a Mariachi event in the early afternoon, without obtaining a Special Event Permit. A Mariachi band was performing outside of the establishment with amplified equipment, which is a violation of their Live Entertainment Permit. When Code Enforcement Officers asked if they had a Special Event Permit, the performers stated that a permit had been obtained. Management staff for Torino Lounge was contacted and acknowledged that a permit application had not been submitted. The business owners knew about the Special Event Permit process because they had previously submitted an application to hold a large 4<sup>th</sup> of July event at the location with an outdoor beer bar and 6-10 bands. This application was denied.

As a result of the Wednesday night live entertainment events, parking issues have surfaced at surrounding businesses. Torino Lounge was charging for valet parking and patrons who did not utilize this service, traveled to parking lots at neighboring businesses, without permission. The business owners of the small shopping center on the northwest corner of Garfield Avenue and Rosecrans Avenue complained to city staff about the negative impact Torino Lounge was having on the availability of parking for their tenants and their patrons. When city staff met with the lounge owners in September 2015, they represented to staff that they had been contacted directly by other business owners and that they were taking action to curtail their patrons from parking in these other retail centers.

## **SUMMARY**

The Torino Lounge has operated with a Live Entertainment Permit since late 2011. Public Safety and the Sheriff's Department have closely monitored activity at this establishment and have concerns that the operators of the establishment are not complying with the required conditions

of approval, despite repeated attempts by city staff requesting compliance from the business owners. For example, it appears that the business owners of the Torino Lounge are operating a live entertainment format which is different than what was presented at the time the permit was approved by the City Council. As stated earlier in the staff report, the business owners presented live entertainment formats that included 1) mariachi bands, 2) Spanish dance performances, 3) jazz and classical music, 4) Bossa nova, 5) salsa bands, 6) big band musicians, Latin jazz and a solo violinist. In reliance on those identified formats, the City Council was comfortable to approve the Live Entertainment Permit. However, the business owners changed the format and added a Wednesday night “Hip Hop” event handled by an outside promoter. Some of the calls for service handled by the Sheriff’s Department were directly related to this format on Wednesday nights.

After the last meeting in September 2015, where business owners were advised that their permit would be reviewed by the City Council, it appears that activity was curtailed on Wednesday nights and there has only been one call for service to the location since then. That call for service was on October, 3, 2015 just after 1:00 a.m., Saturday. The call was for a disturbance in which a security guard pepper sprayed a patron. The incident occurred on a night when live entertainment was permitted until 2:00 a.m. and appears to have no nexus to violation of the permit.

If the business owners comply with the conditions of approval identified in their Live Entertainment Permit, city staff believes most of the incidents of concern would be curtailed. Staff recommends the Live Entertainment Permit be reviewed by the City Council within three months, and that the Live Entertainment Permit be suspended and or revoked if problems continue to persist due to the business owner’s failure to adhere to the conditions specified in their Live Entertainment Permit.

## **RECOMMENDED ACTION**

It is recommended that the City Council conduct a public hearing to review the Live Entertainment Permit and activity at Torino Lounge located at 14123 Garfield Avenue and set a review date for February 2, 2016, the 3 month period specified in the report.

**SUMMARY OF TORINO LOUNGE ACTIVITY**  
**January 2011 to October 3, 2015**

SOURCES: Calls for Service/Incident History Reports

**CALLS FOR SERVICE**

**DEPUTY OBSERVATIONS/SELF-INITIATED/PATROL CHECKS/PREDPOL**

**REPORT TAKEN**

02/05/2011 11:32 p.m.	Attempted Theft of a Vehicle	Informant returned to his car originally parked in front of the location to find his driver's side window smashed and steering column ripped open. Report Taken: 11-02664.
02/13/2011 9:16 p.m.	Vehicles Cited	Observation by Deputy.
05/21/2011 3:23 p.m.	Red Tagged Vehicle	At the request of Code Enforcement Supervisor Fred Bertsche.
05/25/2011 4:22 p.m.	Red Tagged Vehicle Follow-Up	Unable to locate previously red tagged vehicles.
06/18/2011 9:24 a.m.	Burglary Alarm Call	Kitchen and Stage Motion Detector. Accidental activation, no evidence of a burglary. Contacted Joseph Hernandez.
07/03/2011 2:11 p.m.	Burglary Alarm Call	Accidental Activation. Contact Joseph Hernandez.
10/19/2011 12:47 p.m.	Burglary Alarm Call	Accidental Activation. Contact Joseph Hernandez. Ongoing problem according to deputy entry.
10/20/2011 9:48 a.m.	Burglary Alarm Call	Accidental Activation. Contact Joseph Hernandez.
11/13/2011 7:04 a.m.	Burglary Alarm Call	Area Checks o.k. Location closed.
08/03/2012 11:50 p.m.	Patrol Check	Location Checks o.k.
08/04/2012 1:19 a.m.	Patrol Check	Location Checks o.k.
08/18/2012 10:01 p.m.	Patrol Check	Closed for Business
08/21/2012 7:37 a.m.	Burglary Report	Caller Joseph Hernandez states unknown persons entered the business when it was closed. No items taken. Report: 912-15665-1364-077.
11/11/2012 10:37 p.m.	Patrol Check	Location checks o.k.

02/16/2013 12:13 a.m.	Patrol Check	Location checks o.k.
05/08/2013 8:50 p.m.	Vehicle Burglary Report	Unknown persons broke into vehicle and stole misc. items. Report taken: 913-09457-1364-384.
05/17/2013 7:48 p.m.	Call to Paramount Station	Caller indicates that employees at Torino Lounge are blocking traffic on Garfield Avenue with cones for Valet Parking. Deputies note that traffic lanes are not blocked and cones moved.
07/04/2013 1:46 a.m.	Fight Call	Male and Female attacked another female at the location. Deputies contact victim who is non desirous of report.
07/25/2013 11:43 p.m.	Stolen Vehicle	Call regarding stolen Toyota Camry from location. Report Taken: 915-14554-1364-091.
08/10/2013 1:14 a.m.	Anonymous Call	Caller reports that a male white is trying to sell cocaine to lounge customers. Deputies respond and unable to locate disturbing party.
10/16/2013 6:40 p.m.	Drunk Call	Ricardo Hernandez calls to report his day shift custodian came into the lounge drunk and caused a disturbance. Employee arrested, report taken: 913-20261-1364-201.
12/29/2013 9:20 a.m.	Vandalism and Theft Call	Joseph Hernandez reports unknown persons smashed front door and stole TV from location. Report taken: 913-25204-1364-061.
02/25/2014 11:54 a.m.	Burglary Report	Joseph Hernandez reports unknown persons stole items from location. Report taken: 914-03689-1364-074.
03/01/2014 10:35 p.m.	Patrol Check	Location checks clear.
06/22/2014 1:53 p.m.	Alarm Activation	Per alarm company, accidental activation.

10/04/2014 2:08 a.m.	Fight Call	Approximately 30 people fighting in the parking lot of the location. Upon arrival, deputies are unable to locate disturbing parties. Incident History Report printed from call.
10/11/2014 1:10 a.m.	Fight Call	Incident History Report states that numerous people fighting in parking lot. Deputies unable to locate disturbing parties.
10/31/2014 11:42 p.m.	Vehicle Burglary Report	Customer states someone broke into her car at the location and stole her purse. Report Taken: 13-20530-13.
11/10/2014 2:09 a.m.	Shooting Call	Numerous calls of a shooting inside the location. Upon arrival, deputies determine unlawful discharge of a firearm in negligent manner outside the club. Report taken: 14-21152-13.
11/13/2014 10:05 p.m.	Alarm Activation	Alarm company contacted and states location is clear.
12/27/2014 2:40 a.m.	Patrol Check	Area checks o.k.
01/18/2015 12:57 a.m.	Deputy Observation	Contacted Ricardo Hernandez regarding allow persons to peddle to customers directly in front of his business.
03/08/2015 3:34 p.m.	Alarm Call	Accidental activation by cleaning worker.
03/15/2015 4:04 a.m.	Burglary Call	Location checks o.k. No evidence of a burglary.
04/09/2015 1:17 a.m.	Fight Call	Numerous people outside arguing in front of location. One disturbing party contacted and refused to provide information. Numerous calls came in.
04/10/2015 1:57 a.m.	Narcotics Sales Call	Caller reports that security at the location is selling cocaine to lounge customers. Deputies determine boyfriend/girlfriend dispute and counsel parties.
04/19/2015 1:14 a.m.	Stolen Vehicle	Car stolen from location. Report taken. 15-07617.
05/02/2015 12:17 a.m.	Alarm Activation	Area Checks o.k.

05/03/2015 9:53 a.m.	Patrol Check	Area Checks o.k.
06/05/2015 1:36 a.m.	Vehicle Burglary	Report Taken 915-11040-1364-340.
06/05/2015 2:04 a.m.	Fight Call	Crowd of people verbally disruptive and intoxicated with a potential fight pending outside the location. Deputies stand by while crowd disperses.
06/13/2015 8:44 a.m.	Predpol	Area Checks o.k.
06/17/2015 4:23 p.m.	Predpol	Area Checks o.k.
06/18/2015 1:27 a.m.	Vehicle Burglary	Unknown person broke into victim's car and stole misc. items. Report taken: 15-11927-13.
06/19/2015 4:19 p.m.	Predpol	Area checks o.k.
06/30/2015 7:22 p.m.	Alarm Activation	Area clear according to alarm company.
07/02/2015 1:09 p. m.	Predpol	Area checks o.k.
07/03/2015 3:30 a.m.	Grand Theft Call	Ricardo Hernandez reports theft from location. Report taken: 15-13065-13.
07/05/2015 10:27 a.m.	Predpol	Area checks o.k.
07/12/2015 3:43 a.m.	Alarm Activation	No burglary, employee activated alarm on accident.
07/16/2015 4:18 p.m.	Loud Noise Call	Loud Music coming from location. Informant is Paramount Auto Dismantlers, a neighboring business complaining that noise is disrupting their business. Contacted Ricardo Hernandez who turned music down.

07/16/2015 2:45 a.m.	Narcotics Arrest	Male black contacted parked on Garfield Avenue in his vehicle near Torino Lounge. Male admits to just leaving Torino Lounge. After search of vehicle, male arrested for possession of narcotics for sales. Report taken: 915-13894-1364-184.
07/23/2015 1:26 a.m.	Business Disturbance	Several people outside location arguing. White vehicle doing donuts on Garfield Avenue in front of location. Ricardo Hernandez requests assistance with crowd. Parties dispersed.
07/23/2015 11:49 p.m.	Traffic Collision	Escalade crashed into a parked vehicle. Subject inside arrested for DUI. 15-14449-13.
07/26/2015 1:15 a.m.	Vehicle Burglary	Patron returns to his car to find it stolen. Report taken: 15-14603-13.
07/27/2015 10:03 a.m.	Predpol	Area checks o.k.
07/27/2015 1:19 p.m.	Predpol	Area checks o.k.
07/30/2015 11:20 a.m.	Predpol	Area checks o.k.
07/30/2015 3:19 p.m.	Predpol	Area checks o.k.
08/06/2015 1:34 a.m.	Business Disturbance Call	Two male blacks arguing in front of location. Unable to locate on deputies arrival.
08/08/2015 1:49 a.m.	Business Disturbance Call	Three males at the location refusing to pay bill. Verbal Dispute, no weapons. Contacted Ricardo Hernandez, card of customers declined. D/P's friend pays bill.
08/20/2015 12:22 a.m.	Theft Report	Customers report that purses were stolen from their car while at the location. Report taken: 15-16433-13.
08/20/2015 1:47 a.m.	Armed Robbery Call	Male black robbed victim for his chain just outside the location at gunpoint. Report taken: 15-16435-13.

<b>08/21/2015</b> <b>1:26 a.m.</b>	<b>Business Disturbance</b>	Informant's nephew assaulted by security staff. No medical assistance needed. Informant non desirous.
<b>08/22/2015</b> <b>2:16 a.m.</b>	<b>Patrol Check</b>	Location checks o.k.
<b>08/22/2015</b> <b>2:16 a.m.</b>	<b>Crowd Control</b>	Deputies assist with crowd dispersing.
<b>08/29/2015</b> <b>1:59 a.m.</b>	<b>Fight Call</b>	Informant is security at location and reports his friend punched him twice at the location and left. Deputies unable to locate disturbing party.
<b>10/03/2015</b> <b>1:29 a.m.</b>	<b>Disturbance Call</b>	Security at location pepper sprayed individuals outside of the location. Deputies counseled all parties involved.

**City of Paramount**

**Resolution No. 16:001**

**EXHIBIT B**

**Agenda Report – January 5, 2016**



**To:** Honorable City Council  
**From:** John Moreno  
**By:** John Cavanaugh, City Attorney  
**Date:** January 5, 2016

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**Subject: SUSPENSION OF LIVE ENTERTAINMENT PERMIT – TORINO LOUNGE  
14123 GARFIELD AVENUE**

## **BACKGROUND**

Torino Lounge is located on the west side of Garfield Avenue between Quimby Street and Rosecrans Avenue at 14123 Garfield Avenue. In 2011, the business owner of Torino Lounge was approved to operate the establishment Wednesdays through Sundays between 3:00 p.m. and 2:00 a.m. and Mondays and Tuesdays between 3:00 p.m. and 11:00 p.m. as a Spanish tapas lounge. At its October 4, 2011 meeting, the City Council considered a Live Entertainment Permit application for Torino Lounge. The operators of the business discussed their plans for the business and the proposed live entertainment formats which included the following:

- Sunday Mariachi brunch,
- Spanish Flamenco dance performances,
- Jazz and classical music performed by Paramount High School students,
- Bossa nova (a Brazilian melodic form of music), and
- Big Band musicians, Latin Jazz, and a solo violinist.

After reviewing the proposed venues and establishing the conditions and guidelines, the City Council approved the Live Entertainment Permit.

Since the approval of the Live Entertainment Permit in 2011, there have been numerous calls for service for law enforcement related to Torino Lounge operations. In addition thereto, Torino Lounge has been operating in violation of conditions of approval of the Live Entertainment Permit, including:

- (1) Conducting live entertainment beyond the time limitations required under the conditions of approval; and
- (2) Conducting live entertainment beyond the scope of the approved live entertainment formats.

## **MEETINGS BETWEEN CITY PUBLIC SAFETY PERSONNEL AND TORINO LOUNGE REPRESENTATIVES TO ADDRESS THE CHRONIC VIOLATIONS AND CALLS FOR SERVICE**

Since the approval of the Live Entertainment Permit for Torino Lounge, the following meetings had taken place in an effort to address the chronic violations of conditions of approval and escalated calls for service:

- On or about December 3, 2014, the Public Safety Director, along with Los Angeles County Sheriff's Department personnel and the Deputy District Attorney met with the business owners to discuss the increase calls for service and the escalating nature of the calls. The business owners were reminded that one of the conditions (Condition No. 24) requires that a minimum of two security guards with valid guard licenses must be present for live entertainment events held on Friday and Saturday nights.
- On or about April 20, 2015, the business owners met with personnel from Public Safety, Los Angeles County Sheriff's Department, and the District Attorney's Office to discuss the on-going concerns with the lounge. During the meeting, the business owners reported that they had **added** a Wednesday "Hip-Hop" night to their venue, and they were working with an outside promoter for their Wednesday night events. The business owners were reminded that their Live Entertainment Permit did not allow for a Wednesday night event to continue past 11:00 p.m. They were also told that the severity of the incidents occurring at the location had become a concern. They were reminded that one of the conditions of their Live Entertainment Permit specified that if the Public Safety Director determined that a significant number of incidents impacting the public peace, health, safety, or general welfare were occurring at the lounge, the City Council would have the authority to review the permit and revoke or modify it if necessary to protect the public peace, health and safety, and general welfare. The business owners agreed to make the necessary changes to the venue and follow the conditions of their Live Entertainment Permit.
- On or about September 1, 2015, a meeting was held with the Public Safety Director to discuss the on-going Wednesday night events that are going past the approved time of 11:00 p.m. The business owners confirmed that, indeed, they had continued to host "Hip-Hop" nights on Wednesdays and had continued working with the promoter even after the April 20, 2015 meeting. During the meeting, the Public Safety Director stated the calls for service had escalated to a point, where it was necessary to have the Live Entertainment Permit presented to the City Council for review.

On November 3, 2015 the City Council conducted a public hearing to review the Live Entertainment Permit and activity at Torino Lounge. After hearing all the evidence, the City Council voted to set a review date for February 2, 2016 in order to determine if the business owners have addressed the chronic problems existing at Torino Lounge.

A copy of the November 3, 2015 Staff Report identifying all activity and issues surrounding the operations of Torino Lounge is attached hereto as Exhibit “A” and incorporated herein by reference as if fully set forth herein.

### **Shooting Incident at Torino Lounge on December 4, 2015**

The following is a narrative given by Lieutenant David Auner in connection with a shooting incident that occurred at Torino Lounge on December 4, 2015:

On December 4, 2015, Lt. Auner met with the deputies who responded to the shooting incident at Torino Lounge. Deputies Chapman and Razo reported their investigation; however, crime scene management was hampered by the staff of the business

Specifically:

- (1) Security staff were uncooperative with law enforcement efforts to locate and preserve potential witnesses.
- (2) Security staff were not following the instructions of deputy personnel regarding crime scene preservation.
- (3) Security staff tampered with crime evidence.

Live Entertainment Permit Condition No. 9 states that “the owners, managers, and persons designated to be responsible for the operation of the business shall cooperate fully with all city officials, law enforcement personnel, and code enforcement officers, and shall not obstruct or impede their entrance in to the licensed premises while in the course of their official duties.”

On December 5, 2015, Lt. Auner met with Detective Brown who is the assigned investigator for this incident.

Detective Brown informed Lt. Auner that he was not receiving cooperation from the owners or employees of the lounge regarding the shooting incident. Detective Brown had made several attempts to phone persons identified as employees and had not yet received return calls. Detective Brown had not received any video surveillance of the incident. Detective Brown believed the video would be provided by the owners as indicated to the responding deputies.

On December 6, 2015 at approximately 1:30 a.m., Lt. Auner visited the Torino Lounge and spoke with Sergio Peña. Lt. Auner shared the concerns with the uncooperativeness of the security staff and employees the night of the shooting. Lt. Auner took Deputy Razo to this visit as she was one of the responding personnel the night of the shooting. Lt. Auner discussed the initial crime scene and subsequent investigation concerns with Mr. Peña. Throughout the discussion Mr. Peña provided a differing opinion at the level of cooperativeness of his staff with emergency personnel. Mr. Peña also admitted that neither he nor any other manager had provided the video footage to detectives.

The issue of video was discussed by Lt. Auner with Mr. Peña. The one camera that was not operational the night of the shooting is the camera that would have captured the suspected

shooter. Mr. Pena could not provide Lt. Auner a time frame as to when this camera became disabled (Live Entertainment Condition No. 23 states that “approved cameras or more technologically advanced versions of the approved cameras shall be maintained in perpetuity”). Lt. Auner requested Mr. Peña inform him when the camera is repaired and the contact information for the repair personnel.

Lt. Auner asked to speak with the employees, security, and waitresses who were working the night of the incident; however, Mr. Peña told Lt. Auner none were available. Mr. Peña assured Lt. Auner he would provide the names of the employees by Monday, December 7, 2015.

After Lt. Auner’s preliminary inquiry into the concerns addressed by responding deputies and the handling detective, he concluded that concerns were in fact valid and with merit. The shooting incident and follow up investigation were negatively impacted by the actions of the Torino Lounge staff and security guards.

The investigation of the shooting incident at Torino Lounge by the Sheriff’s Department is ongoing.

## **SUMMARY**

Despite numerous efforts by the City’s Public Safety personnel to require the business owners to address the above identified chronic public safety issues that have occurred at the Torino Lounge since 2014, the business owners have engaged in a pattern and practice of allowing conditions at Torino Lounge to exist which has escalated to a level where business operations, in connection with their Live Entertainment Permit, are injurious to the public health, safety and welfare of the community of the City of Paramount. The evidence presented from the initial investigation of the latest shooting incident on December 4, 2015 appears to be rationally related to the live entertainment at the Torino Lounge.

## **RECOMMENDED ACTION**

It is recommended that the City Council conduct a public hearing to consider the written and oral testimony and to suspend the Live Entertainment Permit at Torino Lounge located at 14123 Garfield Avenue and set a public hearing on Tuesday, January 19, 2016 to consider revocation of the Live Entertainment Permit at Torino Lounge.

JANUARY 19, 2016

AMERICANS WITH DISABILITIES ACT COMPLIANCE PROGRAM

MOTION IN ORDER:

GIVE DIRECTION TO STAFF ON THE ADA COMPLIANCE PROGRAM  
AND RECEIVE AND FILE THIS REPORT.

APPROVED: \_\_\_\_\_

DENIED: \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ROLL CALL VOTE:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_



**To:** Honorable City Council  
**From:** John Moreno  
**By:** Kevin Chun/Janene Ottaiano  
**Date:** January 19, 2016

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**Subject: Americans with Disabilities Act Compliance Program**

### **BACKGROUND**

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990 by President George H.W. Bush. The ADA is one of the most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life – to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Essentially, the ADA is an “equal opportunity” law for people with disabilities.

The City of Paramount is a Title II public entity in accordance with the (ADA). As such, the ADA requires the City to: 1) identify and post information about the identity and contact information for the ADA Coordinator, 2) complete a transition plan, and 3) complete an ADA self-evaluation.

### **CITY COMPLIANCE**

The City has recently completed the first part of this requirement by identifying and posting the name and contact information for the City’s ADA Coordinator, Janene Ottaiano. In addition, the City is required to have grievance procedures available for the public. The ADA Coordinator, in addition to overseeing the plan, is to handle and resolve grievances in a timely manner and to track the resolution or action regarding the grievance. This administrative portion of the ADA requirement has been completed and we are in compliance in this one area.

The ADA transition plan identifies any physical barriers in all City facilities, as well as, all public rights-of-way. This would include issues such as inaccessible bathroom facilities or doorways and wheelchair ramps or sidewalks that are not to ADA standards. Once deficiencies are identified, the plan will describe a method to remove the barrier, provide a timeline for the removal of the barriers (this can be years in the future as funding becomes available for capital projects), and designate the responsible person to oversee the plan. The City is also required to regularly update and maintain the plan as each new project is completed and new areas are brought into ADA compliance. As you can imagine, this transition plan is a monumental undertaking. To date the City has not completed this part of the requirement.

The ADA self-evaluation is the review of policies, programs, services and activities to identify if any are potentially discriminatory. The City has also not completed the self-evaluation.

### **POTENTIAL LIABILITY**

Non-compliance with the ADA puts the City at risk in several areas. Each time the City receives State or Federal funding we are required to affirm that we are in compliance with all State and Federal laws. Without a completed transition plan and self-evaluation, the City is technically not in compliance with Federal ADA law and, therefore, is at risk of not receiving grant or pass-through funding.

Currently, Caltrans and HUD are scheduled to conduct audits of our ADA plan. They are requesting copies of our ADA self-evaluation and transition plan which are required documentation for both transportation and CDBG funding. Not having a comprehensive ADA plan could result in the potential loss of these funds.

In addition to the potential loss of grant funding, the City is exposed to potential lawsuits for any ADA issues. Again, because we do not have a complete transition plan, it would be difficult to defend ourselves in an ADA lawsuit. With a transition plan in place, the City would be seen as operating in “good faith” and would be in a position to defend itself – even in a case where we were clearly not in compliance with current ADA standards.

Because of both the potential loss of grant funding and legal liability, the California Joint Powers Insurance Authority (CJPIA) has contracted with a company called Disability Access Consultants (DAC) to begin this self-evaluation and transition plan process for certain member agencies. Paramount has been included in this process. As part of the process funded by CJPIA, DAC will complete the self-evaluation and has inspected four of our highest use City facilities. These inspections took place over a couple of days earlier this month and again were funded by CJPIA at a cost of \$16,500. Although this is a good start toward compliance, there is still much work to do before we will be able to respond to HUD and Caltrans. We must complete the inspections of all City-owned facilities as well as all sidewalks and intersections in Paramount.

The cost to complete the balance of inspections at City-owned facilities is \$29,200 and the cost for DAC to inspect all of our public rights-of-way is \$61,000 for a total cost of \$90,200. These costs are not in the current FY 16 budget but, if the Council desires, this cost can be added as a Midyear Budget adjustment in February. If approved by the Council, DAC would be able to complete the self-evaluation and transition plan for us during this fiscal year, thus enabling us to provide ADA documentation to Caltrans and HUD for their audits. Also, because DAC’s service has already been contracted through the CJPIA, and they provide a specialized service, it is exempt from the City’s bidding procedure.

### **Recommended Action**

It is recommended that the City Council give direction to staff on the ADA Compliance Program and receive and file this report.