

MINUTES OF A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 12:00 NOON ON FRIDAY, APRIL 13, 2007.

Mayor Benton called the meeting to order.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and R. Duke Nelson; Deputy City Manager David Recor; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: City Manager Dennis Beach.

The purpose of the Special Meeting was Consider suspension or revocation of the City Occupational License issued to **Club Omega, Inc.** at 1603 South U.S. #1.

Mayor Benton said just to try to set some guidelines here, they are here to discuss the most recent issues, not the past. They had five hours of discussion. So please, if they can do this in a timely fashion and discuss just the issues that are at large today.

Commissioner Becht said before they get started, he is trying to remember who has talked to him about this. One lady, Ms. Vecchio has talked to him about this; but that is the only one he can remember that he has talked to.

Mayor Benton said also for the record before they start, he knows Mr. Yates had brought up the ability for him to oversee this and Mr. Schwerer has said, at least in his opinion, that he could; so that is why he is here.

Chief of Police Sean Baldwin said he forwarded the Commissioners an advance copy of his presentation. In the beginning, the first couple of slides in his presentation reviews the actions that the Commission has taken to this point. Would they like him to review those or just skip through them? This is probably his entire presentation and will take no more than 15 minutes.

Mayor Benton said they would rather just get right to the issue at large.

Chief Baldwin said recall at the March 19, 2007 meeting there were two items on their Agenda. The Police Department was to present the Final Order. The Commission at the previous meeting had asked that there be a Final Order signed by both the Police Department and Mr. Suarez in regard to the pending issues. And Commissioner Coke had also requested a report on activity that had occurred in between the time that the temporary suspension was lifted and this meeting. By talking about the current issues, he assume these are the current issues. He reviewed these briefly at the last meeting and he will do that again here real quickly. On March 11, 2007 at 1:40 a.m. the Security Guard reported shooting activity. As he told the Commission before, an officer responded. The officer found a .45 caliber bullet casing. A fight erupted as he was collecting that evidence. The officer chased subjects through the parking lot. He

ultimately used his taser to subdue a subject who was walking through the parking lot with a 9mm gun. This incident required a massive response from the Police Department and the Sheriff's office. The Commissioners will remember that they showed a video of the incident. He has just a couple of photos from the video rather than show the whole video again. This shows the foyer area at the entrance of the Omega Lounge and this is just prior to the fight erupting. This next slide shows the crowd in the foyer

area. As they can see, it is quite condensed and there are probably too many people in this foyer area. Actually in the video they can see them surging forward and back in what looks like an attempt to get to the fight or to watch the fight. The green shirts they see in here are Mr. Suarez's interior security guards. The next slide shows what appears to be a security guard taking an active attempt to try to get toward the fight. They don't hear this on the video because the video doesn't record sound, but they assume the shots ring out; and the crowd begins to change directions. The result of that is, as the crowd is trying to empty out the other side, several people fell down. They can see in the front of this there are several people on the floor. There is one man with his hands up over his head and one of the security guards is down. Those people are trampled as people are leaving. As part of this incident they will remember that there was a...

Commissioner Alexander asked before Chief Baldwin goes further, all of this was happening on the outside, right? So the individuals who were inside of that building were protected at all times from the element that was going on outside?

Chief Baldwin said the fight erupted right outside the building, so it was outside in the parking lot. The shooting was outside in the parking lot.

Commissioner Alexander said he understood the shooting came from across the street.

Chief Baldwin said the security guard reported that the subject who did the shooting walked from across the street and then fired into the parking lot. And the subject after the fight that was carrying a gun was chased through the parking lot. So Commissioner Alexander is correct that this happened outside.

Commissioner Alexander said but his concern is and has always been that the individuals - whether it is his grandchildren or whether friends or families of anyone who is here - they were inside that building and they was in a secured area. If they did not come outside that building, they would still be in a secured area. Is that the Chief's understanding, that Mr. Suarez did what he promised to do in that incident?

Chief Baldwin said he can tell them there are some signs here that Mr. Suarez certainly did some things that he promised to do. One sign is that they have the video and that is one of the things he promised to do.

Commissioner Alexander said he wasn't here at the meeting so he wasn't brought up on it. He is just making sure he catches up on where they were at the time.

Chief Baldwin said let him point out what Mr. Suarez did do. Obviously, he has the video; and that was one of the agreements he made. He has all of his security guards there; they can see them in the green shirts, identified as security. That is another thing that he talked about doing. How safe they were in this particular incident, he is not so sure about. But Commissioner Alexander is right, the fight was outside. As part of this report, they will remember that Officer Brian Macnaught reported that after he had tased the subject who had the gun, he was surrounded by 25 or 30 people who were yelling at him for tasing the subject, and that did create some concern for that officer. On Saturday, March 17, 2007, at 12:45 a.m. the security guard broke up a fight between two females who were ages 22 and 27. The victim was struck in the head with stiletto style shoe and the victim required five or maybe six stitches in her head, and that was an aggravated battery. On Sunday, March 18, 2007, at 12:06 a.m. the officers were dispatched to the Omega Lounge for a disturbance involving a man with a gun. Five officers and four deputies responded. The officers found the suspect in the parking lot. He had a tire iron that was concealed inside of his clothing. The officers arrested him. He actually spoke with Mr. Suarez, he was out there that night. Mr. Suarez reported that the man just became enraged when he refused to let him inside. He believes Mr. Suarez had refused that entry because the club had reached capacity. The man was ultimately arrested and taken to jail. Then on Sunday, March 18, 2007, at 2:53 a.m. officers responded to Lawnwood Emergency Room for a man stabbed in the back. The victim initially reported that he was stabbed as he was walking out of the Omega and had been in an argument with one of the customers there about a drink. Then he became uncooperative and said he would handle the situation himself. That victim in that case remains uncooperative to this day.

Commissioner Alexander said Chief Baldwin just went from March 11th back to March 5th.

Chief Baldwin said what he did was just reviewed four incidents that had occurred since the temporary suspension was released and Mr. Suarez was allowed to go back to business in between the two Commission meetings.

Commissioner Alexander asked so that was what happened the moment he opened up his doors until the moment they closed him down again, that is what happened in between then?

Chief Baldwin said yes, those four incidents.

Commissioner Alexander said so Mr. Suarez was doing his job when he refused to let the individual in because of the capacity and their Police Officers had to respond to that call. That is what the purpose of the Police Department, right?

Chief Baldwin said to respond for calls for service.

Commissioner Alexander said because this gentleman couldn't go into the club. This is what they asked Mr. Suarez to do is not

allow it to be over the limit, right?

Chief Baldwin said that is correct, yes.

Commissioner Alexander said once he did that, this incident here should be a feather for his hat. They can walk outside this door and incidents can happen. Again, he just doesn't want to get it discombobulated. They have violence that is going on in this City every day. They can't control that. Mr. Suarez did do what the Commission asked him to do, right? In this incident because it flared up, that is a different thing that happened, right?

Chief Baldwin said he has tried to be unbiased in his presentation here.

Commissioner Alexander said he will be unbiased and that is why he is asking Chief Baldwin the questions.

Chief Baldwin said he is presenting there is clear evidence here that Mr. Suarez is doing some of the things he was asked to do. Whether or not he has satisfied their concerns about being a public nuisance or a threat to public safety, he thinks that is the Commission's decision to make. He is here to give them information. He is trying to report this as unbiased as he can and point out just the facts, rather than provide opinions and so forth. He just wants to real quickly sort of give them an overview of what has happened at the Omega Lounge since it opened in March of 2005. This is just two or three slides to give them sort of a snapshot. The Police Department has responded and investigated over 50 criminal incidents at the Omega Lounge. Those included attempted murder of an officer, shooting activity, sexual battery, a stabbing, 25 violent fights and batteries. That makes up most of this 5-inch binder that the Police Department has put together on paperwork involved with the Omega Lounge. In his memorandum that he did to the City Manager, he indicated that a copy of this went to Mr. Yates earlier this week. It did in fact go to Mr. Yates and a copy went to the City Clerk just for the record. There is no new information in here. It is the information they have seen, the reports and the incidents they have already talked about. There are a couple more pages on the 911 responses. They looked at the 911 calls for service from March 2005 to March 2007. They found 150 calls for service at this specific location. Those are calls for service that were dispatched to 1603 South U.S. #1. He wants to be clear that there are more responses as a result of what is happening at the Omega Lounge on the peripheral, at other locations, because of things that have happened as the Omega Lounge is letting out and so forth. He really just wanted to stick with what they know for sure is a result of the Omega Lounge, so that is why there are 150 calls for service here. In those 150 calls for service, 314 officers and deputies were dispatched. That does not include any officers who might have been working there in an off-duty security capacity. Those are additional resources that were deployed to the Omega Lounge in those calls for service. There were 22 incidents that required four or more officers and/or deputies to respond. He has a summary here of some large scale

responses since January 2007. On January 19th at 1:15 a.m. they got a fight call. Five officers and one deputy responded. On January 28th at 1:30 a.m. there was another fight call. Eight officers and twelve deputies were required to respond. March 11, 2007 - now they are getting to the incidents he just got done speaking about - at 1:40 a.m. a shooting/fight. Twelve officers, four deputies, and a helicopter. On March 17, 2007 at 12:45 a.m., a fight call that took seven officers from the Police Department. And then March 18, 2007 at 12:06 a.m., a fight call which took five officers and four deputies. It is important to note that the business was closed between February 6th and March 8th and that was the period of the temporary suspension.

Commissioner Nelson asked that slide that says services from 03/05 - 03/07, is that two days?

Chief Baldwin said no, that is two years - March 2005 when the Omega Lounge opened until March 2007 - there were 150 calls for service. He took one of those calls for service, one of those large responses, and tried to give them an idea of what it costs in terms of dollars. This is difficult to do because there is a lot overhead at the Police Department that is not calculated in hourly wages and so forth. But just as an example, the call on March 11, 2007 at 1:40 a.m. that required twelve officers, four deputies, and a helicopter, he calculated here and laid out the personnel cost to respond, the cost of the helicopter, detective to do some follow-up work. The estimated cost was \$541. He can tell them that is the most conservative cost he can give them. He expects that the actual cost to the taxpayers is probably closer to double that when they add in the cost of vehicles, fuel, computers, and all the other overhead that a Police Department has. Like he said, he just wanted to give them an example of what that has cost. He showed them several incidents where it has cost at least that much. He doesn't know that he is so concerned about the \$541 or \$1,000 that it costs to respond, although he is sure the Commissioners are concerned with that, it is taxpayer's money. He is more concerned about the impact that it has on the rest of the community. When they have to take 14, 15, or 16 officers from all over the County and respond to the Omega Lounge, that leaves the rest of the County and the rest of the City naked - there are no law enforcement officers in those areas. So if another emergency erupts in one of those zones or one of those outposts, it is going to take a while for them to get there. He is concerned with how fair that is for the rest of the community. That is the conclusion of his presentation. There is no new testimony, no new facts, the Commissioners have heard the evidence they have. He has Captain Amandro and Captain Sandifer here. Captain Sandifer worked on this project early on and Captain Amandro has since worked on it. If they have questions, they will be happy to answer them. Otherwise, he will yield to Mr. Yates.

Mr. Clay Yates said they started this hearing with the admonition that he is not to talk about anything except what has happened since Club Omega was allowed to go back into business on March 5th; and yet they just heard and they have been given a packet that goes back to September of 2005. He is

going to ask the Commission to allow him to respond to all of that.

Mayor Benton said how about they do it this way then. The Chief has been able to do it in less than 30 minutes. If they put a time frame on his response...

Mr. Yates said the problem is, the Chief has been painting with a very broad brush from a bucket of paint; and to shed some light on these broad statements, these conclusions, it may take longer than half an hour. But they are taking away this man's business that he has spent many thousands of dollars. So he is going to ask them to let him do an adequate job and take longer than half an hour.

Mayor Benton said they will do their best.

Commissioner Becht said Mr. Yates pointed out something very important, his client is entitled to due process. He will be afforded due process today. But Mr. Yates says they are taking away his business. When does his lease expire? Has anything changed since Mr. Suarez testified that his lease was going to be up? He thinks he testified in April or May.

Mr. Mario Suarez said it expires in December.

Commissioner Becht said that is inconsistent with what Mr. Suarez testified to at the earlier hearing. He had asked Mr. Suarez at the hearing when he had to be out and it was not December of 2007, it was an earlier date. He thought it was April. But they can go back into the record and... But regardless of whatever they do today, Mr. Suarez has to be out of there. Even if he was right and it was December, he has to be out in December, which is eight months. He thinks that is an important fact.

Mr. Yates said along with that goes the fact that they have been trying to move the business and the City staff opposes that move to the old Perkins building out by I-95. Planning Board has rejected that request for a waiver of distance because it is too close to Pappy's Liquors out there. That will be coming up before the Commission he thinks next Monday. At any rate, Mr. Suarez would like to make a brief statement to walk them through what has occurred with his business since he began. And then he would like to go through the time line as well and bring out some more specific observations about what happened since Mr. Suarez reopened on March 8th, during that two week period.

Mr. Suarez said he thanks the Commission for the opportunity to be able to speak. He is here today to clear his name because it has really been demolished. He is not the bad guy that they are putting on there. His family and the employees that were arrested for drugs or drug-related, they are going to have a record. Even though they have been dismissed, they are going to have a record for their lifetime. That is why he is here, to try to clear all this up. They are not drug dealers. They are not murderers. Some of those people don't even have traffic tickets. Yet, they are categorized as drug dealers and

murderers. On January 19, 2005, he signed a lease for three years with the Lloyd's properties and applied for an occupational license. In January 2005 he called Inspector Bob Dusanek and told him they were ready for an inspection next week. On January 21, 2005, Mr. Dusanek came into Omega Lounge and said they would need to recharge the fire extinguishers before using the licenses. The conversation started about music, the dance floor, and food. He replied there would be a night of Latin music and another of Top 40 music, there would be dancing, and appetizers served. Mr. Dusanek replied that is good, they need another good place like this in Fort Pierce. On January 23rd, a fire safety company came out and serviced all their fire extinguishers. On January 26th, Inspector Bob Dusanek came into Omega Lounge to check their completion of service of the fire extinguishers. His wife was going to get the receipts to show him the completion and Mr. Dusanek told her no, don't worry about it. He went to proceed signing the issuance of the Occupational License. On January 25th, they started the preparation for Omega Lounge. On February 24th they received their temporary liquor license. On February 24, 2005, the first promotional flyer came out throughout this area. He has a copy here of the flyer. (Mr. Suarez displayed the flyer.) This was the first flyer to attract people. On March 1st, Inspector Bob Dusanek together with Mr. Travis Gibbons from Planning Department came in to Omega Lounge with the flyer in his hand and asked what is this, we didn't know you were going to do this here. His wife replied, it is just a flyer, they are going to do music. Mr. Dusanek said, but we didn't know you were going to do this - showing the flyer. His wife said it is just a flyer, it is not like she (the woman pictured on the flyer) is going to be coming here. This is to attract the attention of people.

Commissioner Coke said first of all, she wants to verify that they are not on television. What people do in the privacy of their homes is their own business. This is borderline pornography and she doesn't want it broadcast over Fort Pierce T.V. It is provocative, it is certainly insulting to many people. And if they are on television, they need to remove that from the screen.

Mayor Benton said he doesn't know what this or what his comments have to do with the items they have been talking about, the issues at hand today. This is old history. He will give Mr. Suarez a few more minutes. But he would rather see Mr. Suarez allow his attorney to deal with the issues they are dealing with today, not something from way back when that really has nothing to do with why they are looking at pulling his license.

Mr. Suarez said he was just trying to point out how it went, because he has been trying to investigate what is the real reason why they want to close him down.

Mayor Benton said he thinks it has nothing to do with what Mr. Suarez has been showing the Commission. This Commission has heard issues for years from the Police. They haven't attempted to close him down until they were concerned about the public's health and safety. They don't want somebody murdered in his parking lot. He doesn't want anybody murdered in his parking

lot. When there are shootings and guns going off, they have problems. That is why they are here. That is not Mr. Suarez's fault, they are not saying it is.

Mr. Suarez said he is just saying that this is the only instance in the two years they have been opened that there was a gun fired, the only instance. That is what he was trying to make a point of.

Mayor Benton said that is what they are looking for, is those types of issues.

Mr. Suarez said he will try to do his best to go fast. On March 2nd he went to the office to pick up a change of occupational license because that is what was required. On Friday, March 3rd was the grand opening. Back on the 18th they tried to get... As a matter of fact he spoke with Mr. Baldwin to ask him about a detail officer and was told to talk to Officer Carlos Villanueva. Officer Villanueva spoke to him later and told him he was going to need a couple of officers. On March 26th he sent a note: Officer Villanueva reports the Club opened three weeks ago, there has been no fights, the problem has been traffic; but there is members of three different gangs - 13th Street, 29th Street, and the Zoe Pound have been observed in Omega. Right after that on March 28th a page sent from Captain Frank Amandro on the Omega Lounge to extensively monitor this location until further notice because the club owner caters to various gang elements such as Salsa Night for the Hispanic community. This is where the problem comes from. This note also states according to Captain Barcelona: The owner has opened several - he had no clubs before this - different clubs in various jurisdictions; and each time there have been extensive problems which ended in a nuisance abatement case. On April 4th a letter from Captain Robert Sandifer...

Mr. Yates said let him get Mr. Suarez to clear up that point. Had Mr. Suarez ever had any kind of nuisance case brought against him before or problems with the police in the one restaurant which he owned prior to this?

Mr. Suarez said none, zero. He has a letter from the Police Department where they said they never closed a place down for a nuisance.

Mr. Yates asked at Salsa's, his restaurant in Stuart, did he ever have a problem at that place?

Commissioner Coke said let her interrupt, because a lot of this is ground they covered in the previous five hours and the three or four hours before that, and back going into last August. She can understand that the Chief perhaps overstepped the perimeters of what they had set up initially by referring back to things that happened over the last two years. However, she doesn't think the Chief went through date by date by date. Chief Baldwin did not bring up today anything to do with nuisance abatements and previous establishments or anything else. So if Mr. Yates feels the need to address something that the Chief has brought up in particular that he shouldn't have brought up today - because it should have been from March to April to whatever

they are doing today - then she would appreciate it if they want to address those issues that he brought up that went beyond the scope of what they were supposed to discuss. But to go back over this entire case that they have already heard is - in her opinion and she is only one of them - not going to be helpful at all.

City Attorney Schwerer said the Commissioners and Mr. Yates and his client should understand, while this is a quasi-judicial proceeding, there was approximately five hours of testimony and debate.

City Clerk Steele said nine hours.

City Attorney Schwerer said he stands corrected. There was nine hours of testimony and debate about all of the prior incidents at the club resulting in an Order being entered by this Commission that was dated February 12, 2007. But it was nunc pro tunc to February 6th, meaning it reverted back. That Order specifically found that the Club Omega was a public nuisance, that it presented a substantial endangerment to the public health, safety, and welfare, and that the Commission was going to at that point in time suspend the license. It was a suspension for he believes 30 days and the matter was then to be brought back in front of the Commission. That is res judicata, meaning that order settled the issue that the club was a public nuisance. So going back now over everything since 2005... He understands why the Chief may have done that, just so he could give the Commission a broad brush picture of the history. But the history is not to be debated, because that is what he means by res judicata, meaning it is done. They have an Order that has never been appealed from the February hearing. What happened after the February hearing is that they allowed the club to reopen. It was open for a brief time and there were incidents that occurred that caused the Commission to then immediately have a hearing and suspend the license with an order to show cause. They have the order to show cause. The order is called Order of Reconsideration and is dated March 29, 2007; again, nunc pro tunc to March 19, 2007, which was the date of their meeting. In that order they again specifically found that the business interferes with the public peace, health, safety, welfare, and good order in which the licensee's business is located. They passed a motion and issued a temporary suspension. In doing so, they specifically directed that this matter be set for further hearing before the Commission and the licensee is directed to appear at such hearing and at that time show cause why the occupational license issued by the City of Fort Pierce to or in the name of the licensee should not be permanently revoked. This is an order to show cause. It is directed toward those incidents and only those incidents that occurred during that gap period that he was allowed to open based on the previous res judicata order and that suspension. So if they can confine themselves to that period of time, that is within the confines of their order.

Commissioner Alexander said he would like for Mr. Schwerer to make comments since he knows out of five of these Commissioners they didn't comprehend anything that went on prior. His concern

is they issued on March 5th certain things for that individual to do to sustain his business. Has Mr. Schwerer found him to be in non-compliance in what they asked and requested of him? He is talking about the list of things, the installation and improvements and all that. Has Mr. Schwerer found anything outside of these wishes that the Commissioners requested that has not been done?

City Attorney Schwerer said respectfully, he can answer this way. He has the same information the Commission has that was presented to him by the Police Department concerning whether or not this owner complied with the directives of this Commission. He doesn't have any greater information. He has no independent knowledge other than what they have. He believes Mr. Suarez attempted to comply with their order and put certain things in place. He also understands that notwithstanding those things being put in place, they had these later incidents, which he is not sure is based on or should be implied that it was based on anything this owner either did or failed to do, it is just something that happened. In those circumstances they have a term for that and it is called an uncontrollable attractive nuisance. In other words, something just happens.

Commissioner Alexander said that is what he was looking for. He is satisfied with what is going on. He is telling the owner, the only concern he had is when he heard that this officer had to call for help because he was being approached by 25 or 30 people because he tasered an individual. He has some concerns about that, because he requested those young people to help police themselves. Now when he is looking at these pictures where these individuals are going back into that building, that should have been their safe haven. But for the ones who went out there and made it worse for the ones inside... Again, he is just one individual, it has to take this entire Commission to make a decision on what they are going to do tonight. He doesn't want to put any blame on Mr. Suarez that should not be on his shoulders. If Mr. Suarez did what the Commissioners asked that he do, then they should first of all thank him for doing that, and then they should go forward with what is going on tonight. That is why they are asking Mr. Suarez to go from the date he reopened from the suspension and explain from that point on. They don't have to revisit. Believe him, he is telling the Chief and he is telling the City Attorney and all, he recalls everything that was said and done in here those nine hours, so let's go forward.

Mayor Benton said he will just say this one more time, he thinks it would be better off for all of them if Mr. Suarez would stick to those items they opened up. Because what he is going to say to this Commission, whenever they feel they have heard enough, he will entertain a motion.

Mr. Suarez said he understands. The reason why he wanted to go through that is because they can see things that are very odd. Just like this instance, he complied with everything they asked him to do and he went way over the limits.

Commissioner Coke said in that regard, one of the requirements

they discussed back in August and then again prior to Mr. Suarez being allowed to reopen was that he have outside security in the parking lot. It would seem to him that if he had sufficient outside security in the parking lot that means whomever pulls up, parks their car, gets out, goes to the club, and goes in. When they come out of the club, they walk to their car and they leave. If there are too many people in the club, the security Mr. Suarez promised and agreed to provide should tell these people, the club is full and they need to move along, come back in an hour. There should not be at any given moment, if he has in fact hired security people who are doing the job he is paying them to do, 25 to 30 people hanging around in a parking lot that could create a problem for one of their Police Officers who was called there. So her point to Mr. Suarez is, although he may have done many of the things the Commission requested him to do, she doesn't believe that the outside security was handled sufficiently, because obviously there are still problems outside, and that is one of the reasons they requested they hire an outside agency to provide security. The other concern she has is, there was a stabbing on the inside of the lounge. How can Mr. Suarez tell her that he has an operative metal detector working and someone gets stabbed sitting inside the lounge?

Mr. Suarez said if he can finish with this, it is only a couple more minutes. He totally understands their concerns like they told him about under age, he does. But there are a lot of things that are going on in this City that they don't see. If he was allowed to show them right now what is going on in Guadalajara, a month ago there was kids coming out drunk. But it is only Omega. Anyway, he complied with his security. They required him to have two security guards. He had three. On that night there was a problem outside and they were handling it. They went a little bit over there because first they had a man with a gun. The officer got there. And later when the night was over, the officers went and asked his security officers where did they come from, their names, and everything. They got all their information from General Security Company from West Palm Beach. The next day Officer Graham Kelley called his security and told the security. Friday evening they informed him that they would not be coming to work.

Mr. Yates asked this is the security company Mr. Suarez had hired?

Mr. Suarez said General Security Company on Friday evening informed him that they would not come in to work. They stated to him that they were contacted by Officer Graham Kelley from the Fort Pierce Police Department who called between 4:00 and 4:30 in the afternoon from telephone number 772-468-1805 and were told them their security license and own personal safety may be in jeopardy, and if they continued to work for Omega they were also told that the club owner has been under investigation for drugs, underage drinking, and attempted murder. So they quit. All of a sudden the following day there is the shooting. That is why he was trying to let them know what was going on. He also went to a meeting from another phone call from another officer to try to revoke his liquor license. There is no reason. That is what he was trying to tell them so they can be

aware and later say they didn't know, so they can be aware of what is going on. They are stopping him from doing the things he was committed to do with the Commission. This is it. That is all he can say.

Mr. Yates said he thinks they can rely on the prior testimony. He just wants from the earlier meetings to bring up a few points.

Commissioner Coke asked can they just get some clarification? Are they telling her that the security company called and quit on Friday night and they didn't show up on Saturday?

Mr. Suarez said no, on Friday.

Commissioner Coke said okay, so they called and said they are not coming, because of whatever reason they called and quit. Was Mr. Suarez able to make other arrangements for security officers?

Mr. Suarez said not for Friday. Friday it was very late.

Commissioner Coke asked did he then open his doors?

Mr. Suarez said on Saturday they hired...

Commissioner Coke asked but they closed on Friday night because they didn't have security, right?

Mr. Suarez said pretty much. They were open to try to see if they can get somebody there to come in, because they were waiting for another company to show up, so they were there. They were open but they weren't letting any... There was no people coming because they already knew by 9:00 o'clock that the place was closed. He couldn't let any people in if he didn't have security.

Commissioner Becht asked can he get a clarification? This occurred in the time period that the City allowed him to reopen, is that correct?

Mr. Suarez said on Friday, March 9, 2007.

Commissioner Becht asked so after they had temporarily shut the Omega down, when they reopened they reopened without security?

Mr. Suarez said no.

Commissioner Becht said Mr. Suarez said sort of or partially, but he had patrons in his establishment on Friday night when he did not have security in there.

Mr. Suarez said no, he did not.

Commissioner Becht asked he had no patrons in there?

Mr. Suarez said no, he had security, but he only had one and he didn't want to open. He was there.

Commissioner Becht said Mr. Suarez confused him with the way he answered it, because he didn't say yes, they were open, or no, they weren't open. Partially, he thinks is what Mr. Suarez said. So he either had patrons in there on that Friday night or he did not have patrons in there on that Friday night?

Mr. Suarez said the people that work there were there.

Commissioner Becht said if they are working for him, they are an employee. If they are security, they are security for him.

Mr. Suarez said patrons were there. There was maybe three or four patrons that he can remember.

Commissioner Alexander asked did Mr. Suarez have that in writing, what he just spoke about?

Mr. Suarez said no.

Commissioner Alexander asked how could Mr. Suarez just document the date and the time if he didn't have it in writing?

Mr. Suarez said he called him and told him they were not going to show up for Friday, and then he asked him why? It was kind of late. And then he gave him the name of Graham Kelley and he gave him the telephone number where it came from.

Commissioner Alexander said he just wants to make sure so when he asks the next question he will be able to get an answer.

Commissioner Coke asked does Mr. Suarez have something in writing from the security company stating that?

Mr. Suarez said no, but he can probably get something. There were very intimidated.

Commissioner Coke said she hates to sound like Judge Judy, but where did Mr. Suarez think he was coming today? If he was going to bring it, today would have been the day to bring it.

Mr. Suarez said they are very intimidated. They approached his landlord the same way - either cooperate or they are going to seize their property. This is intimidation. They were very intimidated, the security. If they like, he can probably force him or pay him to get him over here.

Mayor Benton asked did he just hear Mr. Suarez say that their Police Department went to Mr. Lloyd and said if he didn't straighten this problem out they were going to seize and take his property?

Mr. Suarez said not to Mr. Lloyd.

Mayor Benton said he is the owner of the property.

Mr. Suarez said there was a new owner in September.

Commissioner Becht said he asked the City Clerk to pull the Minutes. And on Page 23 of the February 6th Minutes, he had asked Mr. Suarez how much time he had left on his lease? Mr. Suarez responded, eight or nine months. That was on February 6th. So from February 6th, eight months would be October, nine months would be November. And now they are in April, so they have somewhere between six or seven months left, assuming his answer was correct then, and it is not the December date he gave the Commission today.

Mr. Suarez said he thinks it is December 2nd if he is not mistaken. He didn't really pay attention.

Commissioner Becht asked independent of whatever his written lease may say, has he entered into an agreement with Ohio Properties LLC, his current landlord, or with Walgreens to vacate earlier than what his written lease agreement says?

Mr. Suarez said yes. It is a good thing he brought that up.

Commissioner Becht asked when is Mr. Suarez leaving?

Mr. Suarez said they came and asked him. They were offering him money to move out and he was going to take it. But then the search warrant came in and then some phone calls went in to his landlord and said they are dealing with drugs. And they pulled the offer off the table.

Commissioner Becht asked so there is no agreement for Mr. Suarez to leave earlier?

Mr. Suarez said no.

Commissioner Becht asked does he have plans to leave earlier?

Mr. Suarez said he thinks if they let him open, that is the very first thing he would do is try to call them and ask them if they would offer him whatever, because he is tired.

Commissioner Alexander asked Mr. Suarez did tell the Commission he had a three-year lease that began in January 2005?

Mr. Suarez said that is correct.

Commissioner Alexander asked from January 2005, three years would be January 2007, wouldn't it?

Mr. Suarez said as far as he knows it would be December 2nd.

Commissioner Alexander asked so he would be within 30 days of the beginning to the end, right? January to December would be within 30 days.

Commissioner Becht said it would be January 2008 is a three-year lease from January 2005. So he has got roughly six months left.

Mr. Suarez said that is correct.

Commissioner Alexander said that is what he was confirming.

Mr. Yates said on this last point, he is not sure he understands roughly six months if it is a January 2005 to January 2008 lease. This is April. He wants to bring up the point that he was calling on Mr. Suarez for saying he had about eight or nine months left on his lease, which seems fairly consistent with his testimony today that he had a three year lease that started in January 2005. They just said it was only six months left.

Commissioner Becht said no, what he said was on Page 23 of the February 6th meeting when he asked Mr. Suarez the question, how much time he had left at that time, he said he had eight to nine months. That was February 6th and this is Friday, April 13th. That is actually two months down the road. So they would then change his eight to nine months left to six to seven months left, consistent with what his client testified to. The point is, whatever they may or may not take away from his client today, they are taking away approximately six to seven months of his remaining lease based on his testimony at the February 6th meeting. That is the point he wanted them to know.

Mr. Yates said not to beat a dead horse, but it is what it is. He testified that his lease is a three-year lease from January 2005. Chief Baldwin has come up here and given them a little power point presentation that, as he said before, paints with a very broad brush. He thinks if they look at what has really occurred with this nightclub, this lounge, it was slated for destruction about a month after it opened for some reason. He grew up in this town. He has family here. He grew up prejudiced in this town. That is the way it is and the way he was brought up. They pretty it a lot of different ways; but he asks the Commission to look at and ask themselves, why was this Club singled out? Was it because it catered to a black clientele and it was in a white part of town?

Commissioner Coke said let her ask a question please. She wasn't raised here. Where she grew up is probably where Fort Pierce is getting to now when she was a child growing up. It certainly was a culture shock to her moving down here. But she keeps hearing Mr. Yates talking about that this was something from the Police Department to shut down Mr. Suarez's club because he catered to people of color. Is that the statement she is hearing from him?

Mr. Yates said that is what seems to be the most logical explanation.

Commissioner Coke asked was it not the Police Chief at the time... Correct her if she is wrong, but was not Chief Savage a person of color?

Mr. Yates said absolutely.

Commissioner Alexander asked Commissioner Coke said that to say what?

Commissioner Coke said because Mr. Yates is saying it is a racial thing, that Chief Savage was against black people. How

can he say that?

Commissioner Alexander said he grew up in this town. He knows what prejudice is. And he is telling her this because they as a Commission, each and every one of the Commissioners, he reaches and extends his hand because they have done things in the last three or five years that has not ever taken charge. But for Mr. Yates to ask that question, believe him he will kudo that same question. Because the Chief was black, that doesn't mean anything. That doesn't mean anything when the people around him are insisting that it be done.

Commissioner Coke said she guesses what she is not understanding is, Chief Savage initiated this and Captain Sandifer jumped on the bandwagon.

Commissioner Alexander said he is telling them to be cautious.

Mayor Benton said the way he would like to address that is, he has been in office for twelve years and this started after this Commission. And normally if there is any issue out there, usually their Chief or their City Manager takes direction from the Commission. And he will guarantee them that none of them up here singled out that club. Mr. Suarez is a Hispanic who has run this club. And he will guarantee, knowing Chief Savage for all those years, if somebody within that Department said they want to close this down because there are African Americans there, Chief Savage would have stood up and he wouldn't have allowed that knowing him that well. He wishes he could be here today. But Chief Savage initiated this. And by no means did it come from this guy and he doesn't think anybody up here. They don't want to play the race card today.

Mr. Yates said he wants to bring out the circumstances and ask them all to look at it and these come from the documents that were submitted earlier. May 26, 2005, Lt. Villanueva reports there have been no fights, the only problem has been traffic at the end of the night at the Club Omega; he also notes that there were rumors of at least three different gangs there, the 13th Street Gang, the 29th Street Gang, and the Zoe Pound. Now is this a crime of status? In other words, they see how accurate these reports have been so far; and it makes it sound like Mr. Suarez is some gangster who has been run out of jurisdiction after jurisdiction and that simply is not true. But after that, it was two days later Captain Amandro says they are going to extensively monitor this location until further notice. There hadn't even been any fights there and they are under extensive monitoring, according to the email, saying the club owner caters to various gang elements such as Salsa Night for the Hispanic community which is where the problem comes from, and that is when Captain Barcelona makes remarks about Mr. Suarez being run out of various jurisdictions. That is the quote - various jurisdictions. A week later an email from Captain Sandifer to Chief Savage saying they have been monitoring Omega Lounge and that on Friday, April 1st, they held a Hip-Hop Night which ended in fighting and a Hispanic Night. Chief Savage sends a handwritten response to Captain Sandifer stating let's build a nuisance case on this club, they will discuss the status at the

next Star Trek meeting, April 4th of 2005.

Commissioner Alexander said 2007.

Commissioner Becht said they would like Mr. Yates to get to 2007.

Commissioner Alexander said they have gone through all that.

Mr. Yates said they don't want to hear it, but...

Commissioner Alexander said they heard it.

Commissioner Becht said they heard it. They spent nine hours on it. Mr. Yates had ample opportunity to present the argument and they would like to get to his defense for the actions that, in the Police Department's case, put their citizens - regardless of their race, religion, or their sexual orientation - they were put in jeopardy from firearms being discharged in the parking lot. Please get to that point.

Mr. Yates asked can he address the fact that he talks about the attempted murder? That has been used many times. Tell him that it does not shade their thinking about this case.

Commissioner Alexander said no, it doesn't; because he knows exactly what they said about that, and it has nothing to do with...

Mr. Yates said but he doesn't know if the other four of them do. Mayor Benton wasn't here.

Mayor Benton said he has seen the tape (DVD).

Mr. Yates said the attempted murder which happened on May 28, 2005, was where a guy comes in, he is upset with his wife who is working there, they are estranged. He gets in his car when they won't let him come in. He runs around the parking lot, hits a car, hits another car, bumps a security guard, and never touches a police officer. He was charged with attempted murder.

Mayor Benton said that is why they didn't try to close the club some years ago. They heard this information then, but they didn't take that action. Mr. Yates needs to get to the point at hand.

Mr. Yates said no, Mayor Benton was not here to hear that, he was not part of the hearing.

Commissioner Becht said he is going to go upstairs and conduct other business until somebody gets to where they need to be; which is, after they allowed Club Omega to reopen, citizens were - according to the report they got from the Police Department - put in jeopardy. Can Mr. Yates get to responding to that? Because all the rest of it was just the reason to shut Mr. Suarez down temporarily. And they allowed him to reopen. Even after the Commission allowed him to reopen, citizens were put in harm's way according to what the Police Department said. What

is his client's defense to the citizens being put in harm's way after he reopened? That is what his decision will be based on today.

Mr. Yates said he hopes they will put all of this in the context and see that this club was put under a magnifying glass. Every event for some reason seems to be exaggerated or blown out of proportion.

Commissioner Becht asked is Mr. Yates suggesting that a firearm being discharged in the parking lot is being blown out of proportion? Is that his defense?

Mr. Yates said he is talking about everything leading up to that event.

Commissioner Coke said she thinks Commissioner Becht is saying the same thing she said earlier. She really doesn't care about anything that happened prior to the Commission allowing Mr. Suarez to reopen his doors. They wiped the slate clean and moved forward. He opened his doors, she thinks on a Thursday, and he was open that Thursday, Friday, Saturday, and there was an incident. He was well aware of the fact that she personally put it on the Agenda for the following Monday Commission meeting because she was concerned about the well being of their citizens. And the following weekend there were yet two or three more incidents. That is all she is concerned about is those two weekends he was open after they wiped the slate clean and said okay, provide a safe environment for these young people to go and have a good time without jeopardizing the neighborhood and other people around there and he can reopen. Had a safe healthy environment been provided those two weekends, they would never be sitting here today.

Mr. Yates said he doesn't believe there has been any inference - and Chief Baldwin has been very fair about this - that Mr. Suarez did not do everything that the Commission requested him to do before he reopened. It is very interesting however, that... Is it Sergeant Kelley? It is certainly something this Commission ought to look at and ask why would a Sergeant with the Fort Pierce Police Department contact the security company that Mr. Suarez had gotten to come in. They had been open one night successfully with no problems. And the next day the security people get a call saying they shouldn't be associated, they shouldn't be working for this Club Omega.

Mayor Benton asked do they have documentation, or is this hearsay?

Mr. Yates said this is hearsay. But everything they have heard here is hearsay. Every allegation about what occurred with the shooting is hearsay.

Mayor Benton said they have a video. They have seen a video that says it all.

Mr. Yates asked is that the most important thing to Mayor Benton in this?

Mayor Benton said not at all. That just leads up to putting the icing on the cake.

Mr. Yates asked is Mayor Benton saying the video of the patrons crowded in the vestibule is not hearsay and that is something they are considering as a violation of the agreement?

Mayor Benton said not at all, it is not a violation.

Commissioner Becht said at this point he would caution Mayor Benton, but he doesn't think Mr. Yates has the opportunity to question the Commission. The Commission gets to question Mr. Yates and get to question the other witnesses. He doesn't think there is a precedent, he does not think it is appropriate for him to be questioning them. If the Mayor doesn't feel inclined, he doesn't need to answer. Once again he would ask Mr. Yates. If he doesn't put something on to defend his client... There is nothing so far. They are at 1:16 or 1:17 and he has put nothing on responding to those things that occurred after they let his client reopen. Is he going to put anything on responding to the things that happened after he reopened?

Mr. Yates said let him talk about the shooting on March 11th. The security guard reports that somebody came from across the street from the Riverside parking lot. Apparently he fired a shot across the street, walked toward the Club Omega. Where he was must have been at the northeast corner of the building coming up that way because it does not show on the video. Then apparently two more shots were fired. And the guy reports that the guy then left, went back and got in a car and drove away. There is no indication that this was a patron of Club Omega, that he came out of Club Omega, or even indicate that he had been in the parking lot before this happened. By the video it seems like eight or nine minutes before there is a police response. They see that shoving in the vestibule during that period of time. It was closing time. They close and start getting people out of there at 20 minutes before 2:00 so they can be closed by 2:00 o'clock. The video shows that at 1:37:15 there was not a problem. At 1:37:20 they see a woman being escorted out by security. About 45 seconds after that people start crowding into that area. At 1:38:45 apparently there is a shot fired. He says this because on one of the monitors they see the people in there, then they see a guy wearing a hat and standing around out there and looks toward where the shots were reported to come from. He is surmising that the crowd in the vestibule didn't hear that shot because it is 25 seconds later when they react and when they see people in the parking lot react again to apparently this guy who has come over and fired another shot or two. It is interesting that they see the Police Department has picked out this scene in the crowded vestibule at that point to say that the Club Omega is unsafe. And then they have the very dramatic photograph of the officer who tased the other guy and then it talks about how he was being surrounded by all these people. But he doesn't see it in the videotape from the parking lot. The police were given all of this video. If they are making a point out of the officer who tased this guy and the story behind that from reading the reports, and it is

hearsay, but everything they have in front of them today is hearsay. The guy who got tased apparently took this pistol from somebody else and was holding it at his side in the parking lot next to a car. The officer saw him with it. The officer said he never raised it, he just had it there, and he tased him. The guy was not charged with anything.

Commissioner Nelson said Mr. Yates has been at this for quite some time. Does he have an estimate of how much longer he is going to need?

Mr. Yates said he would like to talk to the Commission for another 15 minutes probably.

Commissioner Nelson asked can he take 10 minutes?

Mr. Yates said he will do his very best.

Commissioner Alexander asked this individual with the gun who got tased, is that the same gun that did the actual firing? Are these two different incidents, two different dates?

Mr. Yates said it was two different incidents, the same date.

Commissioner Alexander asked the same night, but it was not the same gun that was fired?

Mr. Yates said no, that gun was never fired. It was in the parking lot.

Commissioner Alexander said that is how he took it to be, but he just wanted to make sure for the record these are two different...

Mr. Yates said the guy gets tased and he is never charged with any crime and he is released.

Commissioner Alexander asked they released him, they did not arrest him after he was tased?

Mr. Yates said not that he can tell. He was just released and let go. He didn't do anything wrong.

Commissioner Coke said she really doesn't want to get argumentative with Mr. Yates; however, no one in any level of sanity - whether they want to get off on the conspiracy theory or whatever else which is all beyond her realm of understanding - no one can tell her that walking through a parking lot at night with a loaded gun is not doing anything wrong. There is no way. And it also clearly states, which Mr. Yates just now omitted while he was retelling the story, that he was told to drop the gun and failed to comply prior to being tased.

Mr. Yates said the guy was not charged with anything. His experience is that if there had been anything to charge him with, he would have been charged. The fact that somebody did this. There has been one shooting that actually occurred or shots fired at the Omega Lounge ever. The other one was, it was

established at the earlier hearing, back on Chipola Road somewhere. Mr. Suarez did what he was supposed to do. They all heard the community of people who attend this club. And because somebody came and did that... And again, this is conjecture on his part, but most of the allegations in this case have been conjecture. It may have been a competitor, somebody who hired somebody to come and fire shots and cause a problem. Mario Suarez did what he needed to do. They made a big deal out of the aggravated battery where the two women got in a fight in the parking lot and one of them hit the other one in the head with her high heeled shoe. Then they had the other allegation that there was a stabbing, that it was inside the Omega Lounge. He doesn't know that is what it was at all. They have some guy who supposedly made a statement and then he retracted that statement or will not confirm it. This is another one of the big incidents that occurred that make the Commission want to shut him down. He doesn't think that is fair. He hasn't had a chance to confront that guy. They do not know that it really happened.

Commissioner Alexander asked they don't have anything on tape either for that?

Mr. Yates said no. Or at least the police have not come and investigating that crime asked for a video that would show it or gotten any other details as to that. They don't know what has happened with the investigation of the guy who really did the shooting who walked across the street from Riverside Bank. Apparently it will be unsolved. They have to ask themselves, what is going on? And again it is hearsay, but maybe they can ask Captain Amandro, after he mentioned it to him he was going to find out what happened with that. Did Captain Amandro ask Sergeant Graham Kelley by email or talk to him?

Captain Amandro said yes, but he has not received a response yet.

Mr. Yates asked did Captain Amandro send an email to him? Did Captain Amandro speak to him? And he didn't respond? Captain Amandro has been very forthright and helpful throughout this. Why did Sergeant Kelley do this? Or did he do this? Did Captain Amandro find out what was going on?

Captain Amandro said he spoke with Sergeant Kelley and he has yet to get a response back. He believes he has been in training.

Mr. Yates said it makes him wonder, why would somebody do that from the Police Department? Again, they don't have a response. They don't have a denial either.

Commissioner Coke said of course, they also don't have a statement from the security company that it happened. All they have is...

Mr. Yates said but that is all they have here on any of this.

Mayor Benton said they had leading up to today for someone, if

that was an issue, to get a response he would think one way or the other, or he could have been here today had that been...

Commissioner Alexander said he is in training. Mayor Benton said but this hearing has been set for some time. He is sure it would have been an item, somebody could have gotten his statement by now.

Commissioner Alexander asked why don't they have a statement?

Mayor Benton said that would have come from Mr. Yates.

Mr. Yates said dealing with just what happened from the time they let him open his business again, he did everything that was requested of him. Somebody else came and fired a shot or shots at the corner of the parking lot. There is no indication that was a patron. It just happened. There was a fight between two women where one of them hit the other with a shoe. There is a very vague description of a stabbing, but apparently that was retracted. He is submitting that it just is not fair and not right to take his license away because somebody came and fired a shot at the edge of the parking lot. They all don't want to hear this, but during this same period of time, and they brought it out at a prior hearing, there have been two shootings, people shot at Guadalajara, but that doesn't seem to attract the attention of the Commission or the Police Department as far as shutting them down.

Mayor Benton said he has not seen that information there has been two shootings. But he is sure if that has happened, they will be dealing with Guadalajara, which has been an issue in the past.

Mr. Yates said it happened over a long period of time. Here they are saying that during two years there have been 25 fights, attempted murder, and the sexual battery which apparently was a report of something untoward but apparently nobody was ever prosecuted for that.

Commissioner Coke said Mr. Yates is bringing up things she forgot about, so he is not helping himself.

Mr. Yates said what he is saying is, they throw this stuff up, but there has been no... This slide they showed them of an attempted murder of an officer. Shooting activity, which really turns into just what happened on March 11th. Sexual battery, they throw that out there. It looks bad. But there is nothing to say that a sexual battery or anything untoward ever happened at Omega Lounge. The stabbing, they have gone over that. And 25 violent fights and batteries over two years. He knows a lot of them used to go to Frankie & Johnny's. If they didn't have two or three fights in a night, it was kind of a slow night there. The Yellow Submarine or Rialto's or the Corner Zoo. He thinks they are holding this guy to a different standard than they have ever held anybody to before in Fort Pierce. He is asking them to let him do his business. It is just not fair to let him suffer because he has been put under a microscope for some reason.

Mayor Benton asked are there any questions from the Commission of Mr. Yates or anyone else they have heard from today? What is the pleasure of the Commission?

Commissioner Nelson said he would prefer to have a discussion first. They haven't discussed it among themselves. The discussion should in fact lead to the formation of a motion. They are here as a quasi-judicial body. They are elected officials to represent all the people. They do in fact bring some of the experiences and training and education they have had with them in making their decisions. They are charged to be fair and unbiased in what they do and say and how they act towards people in their community. The fact that they have a responsibility to look at the overall health, welfare, and safety of all their people should not be guided by prejudice, whether it is racial or religious or whatever. He speaks only for himself, but he can assure them that when he makes decisions from this position he holds here today, it is not from the standpoint of being prejudiced. He looks across the board at the entire spectrum. He recognizes racism, sure he does. He recognizes inequity, sure he does. But he is charged with and he tries to execute things on a fair and equitable basis and a non-prejudicial basis. He thinks that is what basically all of them do up here. They have listened to the facts as presented by both sides on this issue. But it boils down to the Commission making those sound best judgement decisions that is going to eventually affect the entire populous that they have to deal with - their health, safety, and general welfare. And they have to try to look at the fact that they don't set a bad precedent that these types of things will continue to happen in the future. Bullets fired in the dark, as one would fire on the celebration of the 4th of July or the New Year, it goes up and comes down and falls down on anybody's head. They have had people killed by that. They have had people ride by, whether it is coming from a parking lot or a car, and get killed. Their charge is to set the environment so they minimize the chances of these things happening in the future among any and all of their citizens. They think it is important too that all of their citizens, their young citizens and all citizens alike, conduct themselves in a fashion that in fact insures the safety of all, preserves and protects the rights of all. What they have had here thus far is the attorney and of course the client himself have been asked to present a case why he should not have his license revoked, or be allowed to continue to operate his business. He looked at the evidence that was presented to him relative to things that might have happened to him or some prejudice, and he is not sure that really holds that much water. But whether it does or does not hold water, he thinks he is charged with being fair. He is charged with being aware of the fact that all of their citizen's rights have to be protected and their safety has got to be preserved and their health has got to be preserved. So he thinks in the long run that perhaps they have given Mr. Suarez an ample opportunity to protect himself and to preserve his rights to do what is necessary to make this benefit all. He is not convinced that it is in the City's best interest from an overall standpoint that Mr. Suarez should continue to operate that business from the advantage point they

have today. He is not favorably impressed by what he sees and what he has heard. So he will not be voting to continue that business as he sees it today.

Mayor Benton said they discussed some of the older clubs in Fort Pierce. As somebody who had probably patronized every one of the ones mentioned. He will never forget and it surprised him that Commissioner Coke had worked at Frankie & Johnny's as long as she did. But talk about Frankie & Johnny's, they didn't have a lot of problems until they opened a disco lounge through the hallway for a couple of years, whenever it was open. All he knows is they put two sets of patrons who didn't get along next to each other and they had a lot of problems. Some people were almost killed in the parking lot. He thinks they all probably witnessed those fights or at least a few of them. Eventually, whether it be the Police Department or press from the City, but the owners closed that one club because of the problems it created, and Frankie & Johnny's continued with the restaurant. Some of the other clubs ran into those problems where they would have eventually such a crowd of people they couldn't control them. If they couldn't get in the door, it was in the parking lot. There would be a line waiting to get up the stairs at the Top of the Dock, fights erupted in that parking lot, and eventually that place closed for whatever reason. He doesn't know whether the pressure was on, that was before he sat in this position. His concern here is, they have had problems. And yes, he thinks Mr. Suarez has done what the Commission asked him inside his business; but what happens in his parking lot sometimes is out of his control. They can park across the street, they can park down the road. A lot of the restaurants and shopping centers in that area are closed. They can park and get in his parking lot. But do they wait until somebody is shot and killed? What does he tell that person's mother or family? He just sees a problem coming and he can't allow that to happen. That is why. And that is the same reason a lot of these clubs in the past have closed, because of those problems. There are usually only a few people who ruin it for the rest. But in today's time when it comes to gangs, or in this case the reason why people don't speak at the emergency room is because they are going to take care of it themselves next week. They have seen too much of it and it happens every day in Palm Beach. They just have to get a grip on things.

Commissioner Alexander said he is here today to respond to what they asked of Mr. Suarez and he did and allowed to put himself in financial... He doesn't know what the cost was. But his concern was, they as a Commission asked him to put these... If he thought that night they made this decision, if he thought this day would be coming forth, he wouldn't have voted for him to be suspended, he would have voted for him to be closed. But they asked him to put these things in place and he did. And out of all the calls that went, 150 calls and 300 officers, there was never an incident where an officer was harmed or injured. He had a problem with the young people surrounding that officer and he still has that problem with the young people about that incident. But he is just here today to let them know that he comes today to respond to one thing, about what happened from the date that he reopened. Again, Mr. Suarez did what he asked

him to do, so he can't find fault in him.

Commissioner Coke said she will go back to her original premise when she brought this up, that they really cannot allow the recreational pursuits of a small percentage of their population to jeopardize the health, safety, and well-being of the remainder of their population. And whether everything was done and done as fully as it should have been done, she doesn't think they can judge that. She has concerns about whether the outside security was sufficient. But all of that being said, there has been created, for a lack of a better term, an attractive nuisance for illegal activities that through all of Mr. Suarez's efforts they do not seem to be able to curtail at this particular location. Prior to the Chief having to call each of them and saying one of their officers was killed last night or prior to the Chief having to call and say there was a 16 year old kid in the parking lot that there was a fight going on got shuffled into it and is now laying brain-dead at the hospital. There comes a time when they have to say enough is enough. The health, safety, and well-being of the majority of their citizens has to come into play. She feels for the 200 or 300 hundred other people who go to this club who are going to be looking for another place to frequent. However, the rest of the citizens need to be able to feel safe in their own home. That being said, based on the evidence and testimony they have received, she will make a motion.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, to permanently revoke the City Occupational License issued to Club Omega, Inc. at 1603 South U.S. #1.

Commissioner Becht said he had wanted to hear Mr. Suarez and his attorney's explanation for the incidents that had happened after they let him reopen. It had truly been his hope that Mr. Suarez could get a handle on the situation. He does not buy into the distinction between the inside of the restaurant or club and the outside of the club. He thinks by law and everything else, Mr. Suarez has an obligation to see that his patrons can get safely to and from their cars. He doesn't buy into the argument that Mr. Suarez did everything they asked him to do, because what they asked him to do is to make it safe for his patrons. And in his opinion, he did not make it safe for his patrons. He will be pressing the Chief deal with and to investigate the Guadalajara and any other place that has this type of violence. There is no merit as far as he is concerned to Mr. Suarez or Mr. Yates claims that this may be race driven. It is not race driven on his part. Everybody is entitled to have a safe place to go. And Mr. Suarez was unable to provide that for whatever reason. The Guadalajara patrons need a safe place to go; and if it is not safe, then the City needs to do what they need to do over there. That is true of any other place where there are shootings or there is violence or whatever else, they need to move on all of them. So he obviously will be supporting the motion.

Commissioner Nelson said he would like to echo those remarks of Commissioner Becht regarding the other establishments.

Commissioner Alexander said he supports this Commission in their

decision. But he still wants them to know that is only because they assume that it wasn't a safe place for their individuals. But he felt it was. He is in the business. He is one of the last ones to want to know that a child or young person has been hurt or killed or whatever. But when they say their Police Department, that is their job. If they were out there fighting fires, they would be out there to put out a fire. So their job is to protect this community and protect those ones that are inside. It is their job to protect them. Again, he supports their thoughts, he won't disagree with them. But Mr. Suarez did what he asked him to do, so he will not be supporting that motion.

Mayor Benton said for the record, he has given the Chief a name of a place that they have had some problems with underage drinking. So they are not looking the other way. And if things don't get changed there, if they find out there is some merit behind it, they will be the next group up here.

Those voting in favor of the motion were: Commissioners Becht, Coke, Nelson, and Benton. Those opposed: Commissioner Alexander.

There being no further business, Mayor Benton declared the meeting adjourned at 1:45 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER