



City of Grand Island

Tuesday, July 24, 2018

Council Session

Item E-2

Public Hearing on Request from Rodrigo Sanchez dba Los Hermanos Market, 602 West 4th Street for a Class “D” Liquor License

Council action will take place under Consent Agenda item G-7.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 24, 2018

Subject: Public Hearing on Request from Rodrigo Sanchez dba Los Hermanos Market, 602 West 4th Street for a Class “D” Liquor License

Presenter(s): RaNae Edwards, City Clerk

Background

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

Declared Legislative Intent

- It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:
- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
 - (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
 - (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

Discussion

Rodrigo Sanchez dba Los Hermanos Market, 602 West 4th Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale only inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments. See attached Police Department report.

Mr. Sanchez has completed a state approved alcohol server/seller training program. Staff recommends approval contingent upon final inspections.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this application.

Sample Motion

Move to approve the application for Rodrigo Sanchez dba Los Hermanos Market, 602 West 4th Street for a Class "D" Liquor License contingent upon final inspections.

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Grand Island Police Department
LAW SUPPLEMENTAL NARRATIVE

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Grand Island Police Department
Supplemental Report

Date, Time: Thu Jul 12 14:55:08 CDT 2018
Reporting Officer: Vitera
Unit- CID

Rodrigo Sanchez is applying for a Class D (beer, wine, distilled spirits, off sale only) Individual Retail Liquor license for Los Hermanos Market. While perusing the application, I noticed that: Rodrigo is the only person listed on the application, Steven Dowding assisted with the application, Rodrigo disclosed several convictions between 2002 and 2016, Rodrigo is borrowing money from 1st National Bank, the store is within 150' of a church, Rodrigo has lived in Grand Island all but one year of his life, and he currently has a liquor license at El Centenario.

I searched Rodrigo through Spillman and found several contacts with him which were mostly attributed to him being the owner of El Centenario and responsible for the activities involving the bar. I searched NCJIS as well and didn't find any undisclosed convictions except a speeding ticket that he received after this application was filled out. Rodrigo has a valid Nebraska driver's license and no outstanding warrants for his arrest. I also checked Rodrigo through a paid law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I didn't find anything out of the ordinary.

Nebraska State Patrol Investigator Joe Hansen and I met with Rodrigo at Los Hermanos on 7/17/18 at 1100 hours. Rodrigo said he has been running El Centenario for almost seven years and is about ready to quit the bar business and hopes to transition exclusively into the grocery store. Rodrigo said the grocery store has been open for six or seven months. He advised that he bought the building in September or November of last year. He said he has a \$70,000 loan at Five Points Bank, and his mother put her home up as collateral. I pointed out to Rodrigo that the warranty deed that was included with his application said that he bought the property for the grocery store on 9/10/15. He could not explain the discrepancy in time.

Rodrigo showed us around the building. On the northwest corner of the building, there is a small area that used to include a bathroom and a sleeping area. Someone used to live there, but Rodrigo said he was told that the area didn't qualify as a residence, and the person had to move out. Rodrigo got rid of the bathroom and just uses it for storage space now. Rodrigo said he rents out a small portion of the north side of the building to a guy named "Mike" who pays him \$400 cash each month. Rodrigo said his sister works for him full time, and his brother fills in for him on an as needed basis.

Rodrigo also correctly acknowledged on his application that the market is within 150' of a church. He had taken a letter of support to the church, but the representative of the church wouldn't support or oppose the liquor license. I called the NLCC and asked if a waiver had been approved. I was told that since the church didn't support it, the matter has to go to a hearing in front of the commissioners which will only occur after the local hearing and the submission of NSP's report.

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Grand Island Police Department
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All in all, Rodrigo didn't have any undisclosed convictions, he pointed out the issue with the church being within 150' and tried to get a letter of support, and the rest of the application appears to be filled out correctly. Although there is a discrepancy in Rodrigo's recollection of the purchase date of the building versus what's on paper, I found nothing that would automatically preclude Rodrigo from obtaining another liquor license; and the church issue will ultimately have to be decided by the NLCC. The Grand Island Police Department will not object to Rodrigo Sanchez receiving a liquor license for Los Hermanos Market.

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Class "D" Liquor License Application: Los Hermanos Market

