



# City of Grand Island

Tuesday, April 9, 2019

Council Session

## Item E-3

**Public Hearing on Request from Luis Jacobo dba Tucan Express,  
2120-2124 N. Webb Road for a Class “C” Liquor License**

*Council action will take place under Consent Agenda item G-6.*

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** April 9, 2019

**Subject:** Public Hearing on Request from Luis Jacobo dba Tucan Express, 2120-2124 N. Webb Road for a Class “C” 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**

Luis Jacobo dba Tucan Express, 2120-2124 N. Webb Road has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and 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.

## **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 Luis Jacobo dba Tucan Express, 2120-2124 N. Webb Road for a Class "C" Liquor License contingent upon final inspections and completion of a state approved alcohol server/seller training program.

Grand Island Police Department  
Supplemental Report

Date, Time: Tue Mar 26 10:35:25 CDT 2019  
Reporting Officer: Vitera  
Unit- CID

Luis Jacobo is applying for a Class C (beer, wine, distilled spirits, on and off sale) Individual Retail Liquor License for Tucan Express which is currently at the Conestoga Mall but moving to the former Dickey's location on Webb Road. Luis is the only person listed on the application. Luis disclosed the following traffic convictions: Driving during suspension (DDS) in August of 2008, DDS in November of 2008, DDS in February of 2010, and DDS in August of 2012. Luis also disclosed the following non-traffic convictions: MIP and open container in June of 2007, MIP in September of 2008, possession of marijuana less than an ounce (1st offense- looks like it is part of the DDS charge in 11-'08) and assault by mutual consent in September of 2011.

I looked Luis up in Spillman and NCJIS. Spillman shows that Luis has been arrested and jailed by GIPD or HCSO eight times between 2007 and 2012. Luis has some other entries in Spillman when he was a juvenile where he was cited for shoplifting and involved in a theft. He's also been involved in some disturbances and some other traffic stops.

In addition to what he disclosed, NCJIS shows that Luis has been convicted of the following offenses: No operator's license and curfew violation in 2004, stop sign violation in 2005, speeding (21+ MPH) in 2007, speeding (16-20 MPH) in 2007, no operator's license in 2009, speeding (21+ MPH) in 2009, no operator's license and no insurance in 2011. Luis' disclosures came from ordering a Nebraska Department of Motor Vehicles (DMV) report for his traffic convictions and a Nebraska State Patrol Nebraska criminal history check for the non-traffic convictions. I'm not sure how far back the DMV report goes which could explain the discrepancy between what he provided and what I found.

I discovered that Luis has a valid Nebraska driver's license, and he doesn't have any outstanding warrants for his arrest. I also checked Luis through a paid online 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.

Other than an abundance of traffic and other convictions, I didn't find any issues with the application. I called Luis on 3/28/19 and set up a meeting on 4/1/19 at 0930. Nebraska State Patrol Investigator Joe Hansen and I met with Luis at the agreed upon time and place. We discussed the criminal, civil, and administrative liability associated with having a liquor license and went over some scenarios that might incur the aforementioned liabilities. I also noticed on Luis' application that he was planning on keeping the business open until 2 AM. Luis realizes he can't sell alcohol after 1 AM. He said he wants to stay open until 2 AM to catch some of the bar crowd after the bars close. I told Luis that I can't remember seeing a liquor license applicant with more arrests than he's had. Luis said he went through a phase but said he decided it was time to stay out of trouble about the time his first child was born.

All in all, while Luis has several arrests and convictions, none of them automatically preclude him from receiving a liquor license. Moreover, none of his arrests or convictions are within the last 6.5 years. The Grand Island Police Department will not object to Tucan Express receiving a liquor license.



# Liquor License Application: Class "C": Tucan Express

