



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item E-1

Public Hearing on Request from Kiko's Cantina and Mexican Eats, LLC dba Kiko's Cantina, 101 West 3rd Street for a Class "C" Liquor License

Council action will take place under Consent item G-8.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 13, 2022

Subject: Public Hearing on Request from Kiko’s Cantina and Mexican Eats, LLC dba Kiko’s Cantina, 101 West 3rd Street for a Class "C" Liquor License and Liquor Manager Designation for Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska

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

Kiko’s Cantina and Mexican Eats, LLC dba Kiko’s Cantina, 101 West 3rd Street submitted an application for a Class "C" Liquor License. A Class “C” Liquor License allows for the sale of alcohol and distilled spirits on and off sale 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.

Also submitted was a request for Liquor Manager Designation for Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska. Staff recommends approval of the liquor license contingent upon final inspections and liquor manager designation for Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska.

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.

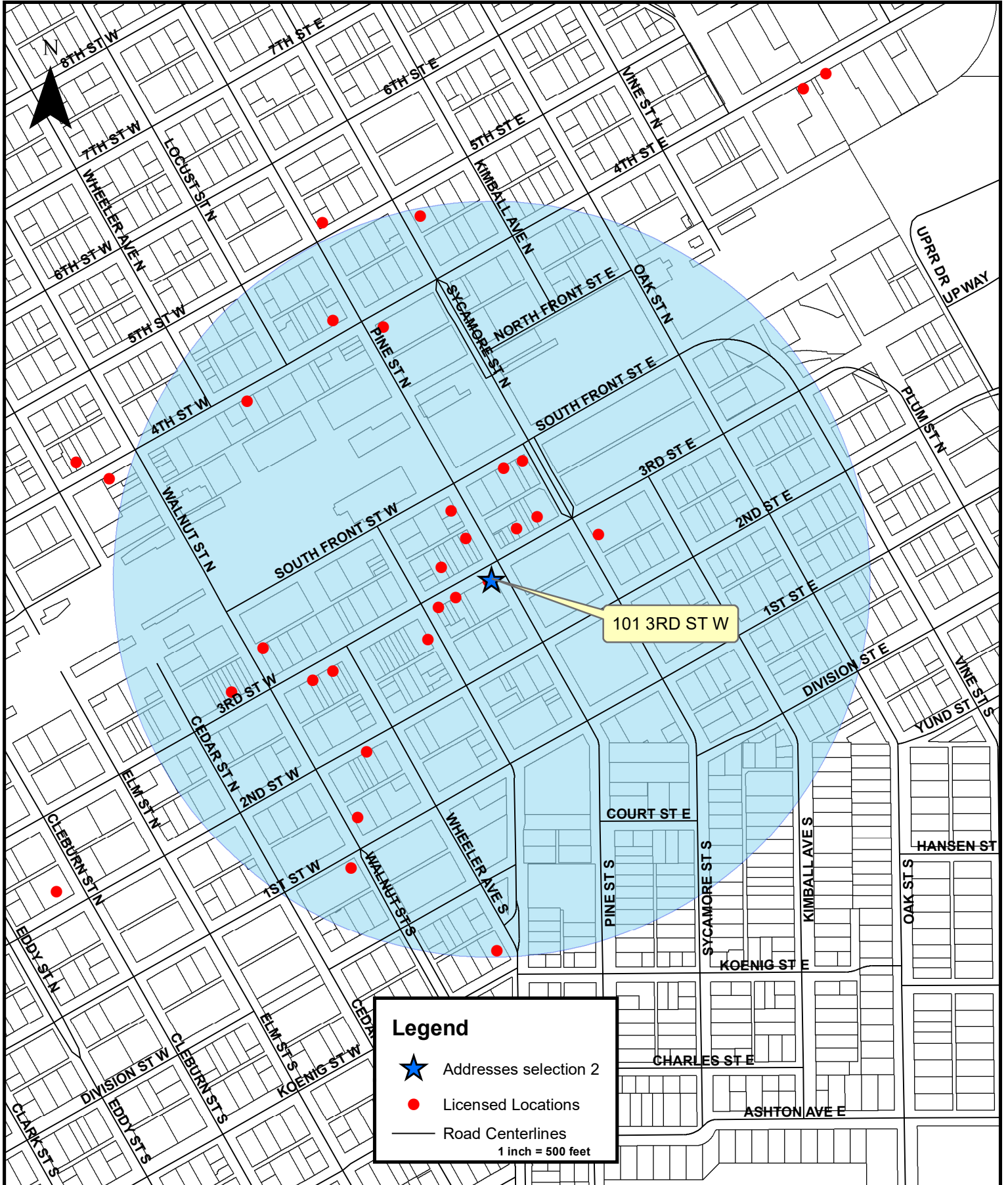
Recommendation

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 Kiko's Cantina and Mexican Eats, LLC dba Kiko's Cantina, 101 West 3rd Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager designation for Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska.

Liquor License Application: Class "C": Kiko's Cantina





Grand Island Police Department

Officer Report for Incident L22081808

Nature: Liquor Lic Inv
Location: PAOS

Address: 101 3RD ST W
Grand Island NE 68801

Offense Codes:

Received By: Dvorak T **How Received:** T **Agency:** GIPD
Responding Officers: Dvorak T
Responsible Officer: Dvorak T **Disposition:** CLO 09/08/22
When Reported: 15:11:02 08/23/22 **Occurred Between:** 15:11:02 08/23/22 and 15:11:02 08/23/22

Assigned To: **Detail:** **Date Assigned:** **/**/**
Status: **Status Date:** **/**/** **Due Date:** **/**/**

Complainant:

Last: **First:** **Mid:**
DOB: **/**/** **Dr Lic:** **Address:**
Race: **Sex:** **Phone:** **City:** ,

Offense Codes

Reported: **Observed:**

Circumstances

LT21 LT21 Restaurant

Responding Officers: **Unit :**
Dvorak T 309

Responsible Officer: Dvorak T **Agency:** GIPD
Received By: Dvorak T **Last Radio Log:** **.**.** **/**/**
How Received: T Telephone **Clearance:** CL CL Case Closed
When Reported: 15:11:02 08/23/22 **Disposition:** CLO **Date:** 09/08/22
Judicial Status: **Occurred between:** 15:11:02 08/23/22
Misc Entry: **and:** 15:11:02 08/23/22

Modus Operandi: **Description :** **Method :**

Involvements

Date	Type	Description
08/30/22	Law Incident	Liquor Lic Inv L16032600 related

08/30/22	Law Incident	Liquor Lic Inv L18100742	related
08/23/22	Name	Garcia, Maria Dejesus	involved
08/23/22	Name	Garcia, Francisco J Jr	proposed manager
08/23/22	Name	Garcia, Vanessa	involved

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Narrative

309 Liquor License Investigation
Grand Island Police Department

Kiko's Cantina and Mexican Eats LLC has applied for a Class C Liquor License; Beer Wine Distilled Spirits on and off sale, for a new business named Kiko's Cantina. The Garcia family owns the building, and the new LLC. Francisco Garcia applied as Liquor Manager for the new business.

Responsible LEO:

Approved by:

Date

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Supplement

309

Kiko's Cantina License Application

Grand Island Police Department
Supplemental Report

Date, Time: 8-28-22

Reporting Officer: Sgt Dvorak #309

Unit #: CID

The Garcia family, via Kiko's Cantina and Mexican Eats LLC, has applied for a new Class C Liquor license; beer, wine and distilled spirits on and off sale, for their new venture at 101 W 3rd; Kiko's Cantina. Maria, Francisco Jr and Vanessa Garcia are listed each as 1/3 owners of the LLC.

I am familiar with the Garcia family, and their property ownership on the south side of 3rd Street. Azteca Market has been a successful market and restaurant, and the Brickhouse, Level Up Arcade, and Azteca reception hall are all currently in operation. Because Azteca Market and Brickhouse both are current liquor license holders, I conferred with Lt Vitera about his investigations into those establishments. I also requested, and attached, a density map for the entire downtown area, because I questioned why the Garcia's need a third liquor license for three separate entities in the same building.

Vitera advised that he has never recommended approval of the previous liquor licenses, but has not recommended denial either. The Grand Island Police Department will remain neutral on this application as well. Vitera explained several of the issues that he addressed in L16032600 and L18100742, which I have added as related to this report. I would also like to note that I received correspondence from City Building Department and City Fire Department personnel that no final inspections of the remodel to Kiko's Cantina have been performed/passed, so any recommendation on my part would have to be qualified as "pending final inspections" from those entities.

Because Lt Vitera completed extensive background checks in 2016 and 2018, and because the Garcia family already has three valid liquor licenses for their businesses, I only checked the period from September 2018 until present day when completing my background checks. I did find that Azteca Market was cited for Selling Alcohol to a Minor in December 2021. They were assessed, and paid, a fine \$1211.23 by the Commission.

I first noted that there were no active arrest warrants for any of the LLC owners. I utilized our local database, State NCJIS files, and a paid law enforcement only site that typically discloses personal information and matters of a civil nature such as bankruptcies, judgements and liens. Francisco Jr received a citation in 2018 for defective equipment. Vanessa was ticketed in 2018 for careless driving. Both of these were disclosed in the application process. Maria has no listed violations. The law enforcement only database revealed no historical or current bankruptcies, liens or judgements against any of the LLC shareholders. No disqualifying information was noted for any of the applicants.

I noted in Spillman files that officers have responded to disturbances, fights, assaults, sex offenses, or damage to property calls at the Brickhouse more than 50 times since the establishment was granted a liquor license in 2016.

I left messages for Francisco Jr in an effort to meet with him and/or his

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mother. I responded to Azteca Market on 8-29. Neither Francisco Jr nor Maria were present at the store. Francisco Sr was working, and he used his cell phone to call Maria and let me speak to her. Maria said she believes she currently holds the three active liquor licenses, not Francisco Jr. She said Francisco Jr will be the manager for Kiko's Cantina. Maria advised that Francisco Jr was currently in Las Vegas, and would not return until Thursday evening.

I asked Maria why they applied for a Class C license for the new restaurant. Maria explained that they were not offering carry out beer or liquor sales, but were told by the Commission or their lawyer that they had to apply for a Class C license since they intend to have an al fresco dining area on the sidewalk to the east side of the building.

I contacted Shannon from the Liquor Commission. She confirmed that Maria is the license holder for a Class I license at Level Up #122716; a Class I license for Brickhouse #119813; and Class D license at Azteca Market #122717.

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