



City of Grand Island

Tuesday, December 20, 2022

Council Session

Item E-2

Public Hearing on Request from La Jaula Restaurant, LLC dba La Jaula Restaurant, 613 East 4th Street for a Class "CK" Liquor License

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

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: December 20, 2022

Subject: Public Hearing on Request from La Jaula Restaurant, LLC dba La Jaula Restaurant, 613 East 4th Street for a Class "CK" 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

La Jaula Restaurant, LLC dba La Jaula Restaurant, 613 East 4th Street has submitted an application for a Class "CK" Liquor License. A Class "C" Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city. A Class "K" Liquor License allows for catering one day events.

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 Nancy Avitia Huerta, 407 West 9th Street, Grand Island, Nebraska. Ms. Avitia Huerta has completed a state approved alcohol server/seller training program. Staff recommends approval of the liquor license contingent upon final inspections and liquor manager designation for Nancy Avitia Huerta, 407 West 9th Street, 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 La Jaula Restaurant, LLC dba La Jaula Restaurant, 613 East 4th Street for a Class "CK" Liquor License contingent upon final inspections and Liquor Manager Designation for Nancy Avitia Huerta, 407 West 9th Street, Grand Island, Nebraska.



Grand Island Police Department

Officer Report for Incident L22120297

Nature: Liquor Lic Inv
Location: PCID

Address: 613 4TH ST E
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 12/08/22
When Reported: 11:30:08 12/05/22 **Occurred Between:** 11:30:08 12/05/22 and 11:30:08 12/05/22

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
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: 11:30:08 12/05/22 **Disposition:** CLO **Date:** 12/08/22
Judicial Status: **Occurred between:** 11:30:08 12/05/22
Misc Entry: **and:** 11:30:08 12/05/22

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

Involvements

Date	Type	Description
12/07/22	Name	Ruiz, Lorenzo spouse

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12/07/22	Name	Ruiz Avitia, Stephanie A	contacted
12/05/22	Name	Avitia Huerta, Nancy	owner/manager
12/05/22	Name	La Juala Restaurant LLC,	location

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Narrative

Liquor License Investigation
Grand Island Police Department

A liquor license application was received for the site of several prior established restaurants on E 4th Street. Nancy Avitia Huerta has formed an LLC called La Juala Restaurant LLC, and proposed to open a restaurant of the same name at 613 E 4th. There have been several prior restaurants at the same location.

Avitia Huerta has applied for a Class C Liquor license; beer, wine, distilled spirits on and off sale; with a Class K endorsement for catering.

Responsible LEO:

Approved by:

Date

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Supplement

309

Liquor License

Grand Island Police Department
Supplemental Report

Date, Time: 12-2-22

Reporting Officer: Sgt Dvorak #309

Unit #: CID

Nancy Avitia Huerta formed a new LLC, La Jaula Restaurant LLC. Nancy is listed as the sole owner. Avitia Huerta has applied for a new liquor license to service her restaurant at 613 E 4th of the same name, La Jaula. Nancy applied for a Class C license, beer, wine and distilled spirits on and off sale, along with a Class K license, for catering purposes.

On the application, Nancy notes that she is married to Lorenzo Ruiz. I noted that Lorenzo completed the Spousal Affidavit of Non Participation. Nancy and Lorenzo indicate that they have been Grand Island residents since at least 2012.

I utilized local Spillman files, the State NCJIS database, and a paid law enforcement only web site to check backgrounds for this application. I found that neither Nancy nor Lorenzo have warrants for their arrest. In Spillman files I found no criminal entries for Avitia Huerta, nor any entries of concern. I did note that Lorenzo Ruiz has some past traffic and misdemeanor contacts of historical nature. State NCJIS files confirmed that Nancy has no convictions. I found that Lorenzo Ruiz is a convicted felon, stemming from drug related offenses in 2008.

The law enforcement only web site covers incidents of a civil nature, such as liens, judgements or foreclosures and bankruptcies. I found no entries for Avitia or her husband.

NSP Inv Todd Suchsland and I met, at the restaurant site, with Nancy and her daughter Stephanie Ruiz. Nancy understands English, but said she prefers to answer in Spanish. Stephanie translated the conversation. The building was spacious and freshly updated. Avitia confirmed that she is the sole owner of the LLC as well as the restaurant.

Avitia advised that she will be the primary employee of the business, but Stephanie will work the restaurant as well as her two younger siblings. Nancy estimates that they will have four or five employees eventually. Nancy confirmed that she has no convictions. She also confirmed that she is aware of her husband's criminal record, but she was not aware that he would be unable to work at the business in any manner. Suchsland explained the conditions, and advised that Lorenzo could come to the restaurant to eat and visit, but not work in any capacity.

Nancy said she does not have a surveillance/security system, but plans to install one. We explained her responsibilities regarding disturbances, intoxicated customers, minors being served and ID requirements. I stressed that cooperation was the key. Both Nancy and Stephanie advised that they are aware of the added stipulations in having a liquor license. Both of them advised they have completed the ServSafe program recommended by the Commission.

Nancy said she only plans to served beer and margaritas, and for now, does not

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plan to be open past 1800-1900 during the week, but maybe longer on the weekends. She said she will never be open past 2200.

Avitia asked about the catering portion of her license and advised that she plans to host quincenearas and parties in another (larger) building on the property she purchased. Suchsland and I explained the need for Special Designated Licenses if the event was not held in this building, 613 E 4th.

The Grand Island Police Department recommends that Nancy Avitia Huerta be granted a Class C K Liquor license; beer, wine and distilled spirits with a catering endorsement; as owner of La Jaula Restaurant LLC for the business La Jaula Restaurant, located at 613 E 4th.

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Liquor License Application: Class “CK”: La Jaula Restaurant

