



City of Grand Island

Tuesday, September 12, 2006

Council Session

Item E2

**Public Hearing on Request of Edwin Bolanos dba La Zona Rosa,
611 East 4th Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 12, 2006

Subject: Public Hearing on Request of Edwin Bolanos dba La Zona Rosa, 611 East 4th Street for a Class “C” Liquor License

Item #'s: E-2 & I-2

Presenter(s): RaNae Edwards, City Clerk

Background

Edwin Bolanos dba La Zona Rosa, 611 East 4th Street 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 inside the corporate limits of the city.

Discussion

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. Attached is the Police Department’s background investigation and recommendation.

On July 25, 2006, the City Council denied a Change of Location application for Mr. Bolanos due to Law Enforcement concerns with out buildings, parking, and Police Officer resources. Since that date there has been considerable effort to clean and upgrade the property. The Police Department is recommending approval.

Mr. Bolanos has completed a state approved alcohol server/training program on July 20, 2006. Approval is recommended.

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 the application.

Sample Motion

Move to approve the application of Edwin Bolanos dba La Zona Rosa, 611 East 4th Street for a Class "C" Liquor License.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: August 25, 2006

TO: RaNae Edwards, City Clerk

FROM: Brad Brush, Lieutenant, Police Department

RE: Application for Class "C" Liquor License
for La Zona Rosa, 611 East 4th Street,
Grand Island, NE 68801 and Application
for Special Designated Manager for the
business La Zona Rosa, 611 East 4th Street.

The Grand Island Police Department has received an applications for a Class "C" Liquor License for La Zona Rosa, 611 East 4th Street, Grand Island, Nebraska 68801.

The application for the liquor license is technically inaccurate, thus a false application. If the convictions had been declared they would not have risen to the level of a Class I Misdemeanor, thus disqualifying the applicant.

It is the Police Department's recommendation to accept this liquor License application for Edwin Bolanos dba La Zona Rosa, 611 East 4th Street, Grand Island, NE.

BB/rk

A handwritten signature in cursive script that reads "B. Brush".

08/23/06
15:09

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 10:12:20 08/23/2006
Occurred before : 10:12:20 08/23/2006
When reported : 10:12:20 08/23/2006
Date disposition declared : 08/23/2006
Incident number : L06083606
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 611 E 4th
State abbreviation : NE
ZIP Code : 68801
Contact or caller : RaNae Edwards
Complainant name number :
Area location code : PCID Police - CID
Received by : Brush B
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Brush B
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number :
Geobase address ID :
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L06071688	07/11/06	Liquor Lic Inv	mentioned
NM	27648		Bolanos, Edwin D	lig lic applicant
NM	82768		Bolanos, Angela M	wife, mentioned
NM	108974		LaZona Rosa Restaurant,	mentioned

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application for Retail Liquor License.

The Liquor License application for LaZona Rosa by Edwin Bolanos at 611 E 4th, GI NE 68801.

A check of the Nebraska Criminal Justice Information System (NCJIS) found the following convictions not declared by the applicant on the application;

*Theft-shoplifting \$0-200 ; Class 2 Misdemeanor, Hall county

Offense Date is 10/08/1997

Plea is Guilty/Admit

*Careless driving ; Infraction, Hall county

Offense Date is 08/23/2002

Plea is Guilty/Admit

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*Open Burning Violation ; Infraction, Hall county
Offense Date is 10/11/2004
Plea is Guilty/Admit

Failure to declare the above convictions causes the application to be false.

A National Crime Intelligence Center (NCIC) search reflected no other convictions.

A check of the Nebraska Criminal Justice Information System (NCJIS) found no convictions by the applicants wife, Angela M Bolanos, nee Petersen.

In summation;
The application for the liquor license is technically inaccurate, thus a false application. If the convictions had been declared they would not have risen to the level of a Class I Misdemeanor, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor License application for Edwin Bolanos dba LaZona Rosa at 611 E 4th, GI NE 68801.

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Brush B	10:47:54 08/23/2006

208, 082306 reference previous liq lic inv
Grand Island Police Department
Supplemental Report

Date, Time: 082306
Reporting Officer: Lieutenant Brush
Unit #:cid

A Previous Liquor License Investigation L06071688 uncovered some concerns for Law Enforcement.

The problems with allowing a liquor license at 611 E 4th, with the capacity of 350, presented the following potential problems for Law Enforcement mentioned in an original application of transfer of liquor license from 613 E 4th, ElZona Rosa Restaurant to 611 E 4th;

"There are partially open as well as completely open out buildings on the property or adjacent to the proposed night club that would make it difficult for law enforcement to monitor. The buildings appear rather inviting for inappropriate and or illegal activity of minors as well as adult patrons, during night time hours. The buildings are located on the property of the La Pasadita Auto Sales lot also owned by Bolanos and the present LaZona Rosa Restaurant owned by Bolanos."

The following remedy was mentioned;

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"A possible remedy for law enforcement's monitoring problems of these buildings, would be to fence the buildings in or the patrons of the night club and their vehicles out of the area of the buildings. I would suggest a solid, 8 foot fence surrounding an area of sufficient size to park a reasonable number of vehicles. Bolanos mentioned that the maximum capacity of his night club is 350 people. This officer doesn't believe there is sufficient designated parking for vehicles for that number of people at this time. This officer would also advise at the present time there is no designated handicap parking near the buildings at 611 or 613 E 4th street."

In the previous investigation suggested when these concerns are addressed and or met in a fair and impartial manner, an assessment & possible recommendation could be addressed.

Grand Island Police Chief Steve Lamken and this officer have been visually monitoring the property at 611 & 613 E 4th and concur that there has been a good faith effort to cleaned and upgraded the property.

It is the police department's recommendation to accept this Liquor License application for Edwin Bolanos dba LaZona Rosa, 611 E 4th, GI, NE 68801.