



City of Grand Island

Tuesday, November 13, 2007

Council Session

Item E2

Public Hearing on Request of Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4th Street for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 13, 2007

Subject: Public Hearing on Request from Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4th Street for a Class "C" Liquor License

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

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

Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 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.

Also included with the application was a request from Elsy Ramos, 243 South Sycamore for a Liquor Manager Application.

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.

The Police Department background check revealed a number of serious violations which were not included in the application. Failure to disclose these convictions makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 “Falsification of Application” 010.01.

The Building Department inspection found electrical code, off street parking and junk vehicle violations. See attached report.

City Administration recommends this application be denied based on Departmental inspections and background checks.

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 deny the application.

Sample Motion

Move to deny the application of Munoz R. Rodriquez, Inc. dba Zona Rosa Nightclub, 611 East 4th Street for a Class “C” Liquor License and the request from Elsy Ramos, 243 South Sycamore for a Liquor Manager designation on findings from the Nebraska Liquor Control Act Part II Chapter 2 “Falsification of Application” 010.01 and code violations.



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: October 26, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Class "C" Liquor License Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4th Street, Grand Island, NE

Application for Liquor Manager Designation for Zona Rosa Nightclub,
611 East 4th Street – Elsy Ramos

The Grand Island Police Department has received applications for Class "C" Liquor License Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4th Street, Grand Island, Nebraska and an application for Liquor Manager Designation for Zona Rosa Nightclub, 611 East 4th Street for Elsy Ramos.

On the application Elsy Ramos is listed as the CEO. She listed her spouse as Angel Ramos. Juan Munos and Delmi Rodriguez are listed as shareholders. Question number one under Applicant Information clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge." It further states that a charge includes "federal, state, local law, ordinance, or resolution.

Elsy Ramos disclosed one speeding violation. Angel Ramos disclosed one DUI and one DDS. According to NCJIS, Elsy has the following undisclosed violations: Speeding, (3)No operator's License violations, and a no insurance violation. NCJIS showed the following undisclosed violations for Angel Ramos: DUI and Refusal to Test, arrested for Attempted Second Degree Assault on a Police Officer (plead guilty to a lesser charge. The attempted assault was reduced from a Class IIIA Felony to a Class I Misdemeanor). Angel was also convicted of Disturbing the Peace, a Class III Misdemeanor.

Juan Munoz didn't disclose any violations. According to NCJIS, Juan has the following convictions: Fictitious Plates, No Valid Registration, Speeding, No Insurance and DDS.

Delmi Rodriguez didn't have any undisclosed violations.

Three out of the four people listed on the application have undisclosed violations. None of the applicants have any felony convictions and none of their undisclosed violations fall within Chapter 28, Article 3, 4, 7, 8, 10, 11, or 12 which would automatically cause the application to be denied. However, the undisclosed violations technically make the application false under the Nebraska Liquor Control Act, Part II, Chapter 2, "Falsification of Application" 010.01.

Due to the number and relative seriousness of the undisclosed violations by three out of the four applications, the Police Department recommends that the liquor application and liquor manager designation be denied.

DV/rk

Dave Vitera

10/24/07
15:14

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 08:00:00 10/19/2007
Date disposition declared : 10/24/2007
Incident number : L07102783
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 611 4th St E
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Viterra D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Viterra D
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number : printed
Geobase address ID : 10513
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	3592	10/23/07	Ramos, Angel Edilberto	Elsy's Husband
NM	13037	10/23/07	Ramos, Elsy R	CEO
NM	43062	10/23/07	Munoz, Juan A	Shareholder
NM	72588	10/23/07	Rodriguez, Delmi A	Shareholder

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Zona Rosa Nightclub and Liquor Manager Designation Investigation on Elsy Ramos

LAW INCIDENT RESPONDERS DETAIL:

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Se Responding offi Unit n Unit number
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1 Viterra D 318 Viterra D

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LAW SUPPLEMENTAL NARRATIVE:

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Seq Name Date
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10/24/07
15:14

Grand Island Police Dept.
LAW INCIDENT TABLE

450
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1 Viterra D 13:47:56 10/24/2007

Grand Island Police Department
Supplemental Report

I received a copy of liquor license application for Zona Rosa Nightclub located at 611 E. 4th Street. Elsy Ramos is applying for a Liquor Manager Designation. On the liquor license application, Elsy Ramos is listed as the CEO. She listed her spouse as Angel Ramos. Juan Munoz and Delmi Rodriguez are listed as shareholders.

Question number one under Applicant Information clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge." It further states that a charge includes federal, state, "local law, ordinance, or resolution."

Elsy Ramos disclosed one speeding violation. Angel Ramos disclosed one DUI and one DDS. According to NCJIS, Elsy has the following undisclosed violations: Speeding, No Operator's License, and No Insurance (2/21/00); No Operator's License (8/24/03); No Operator's License (10/10/98).

NCJIS showed the following undisclosed violations for Angel Ramos: DUI and Refusal to Test (1/25/04), arrested for Attempted Second Degree Assault on a Police Officer (1/23/99). He plead guilty to a lesser charge. The attempted assault was reduced from a Class IIIA Felony to a Class I Misdemeanor. Angel was also convicted of Disturbing the Peace- Class III Misdemeanor.

Juan Munoz didn't disclose any violations. According to NCJIS, Juan has the following convictions: Fictitious Plates (1/10/99), No Valid Registration (10/5/01), Speeding (5/13/02), No Insurance (5/17/02), and DDS (1/2/03).

Delmi Rodriguez didn't have any undisclosed violations.

Three out of the four people listed on the application have undisclosed violations. Refusal to test, DUI, and an attempted assault on a police officer are pretty serious violations. None of the applicants have any felony convictions, and none of their undisclosed violations fall within Chapter 28 Article 3, 4, 7, 8, 10, 11, or 12 which would automatically cause the application to be denied. However, the undisclosed violations technically make the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01.

Due to the number and relative seriousness of the undisclosed violations by three out of the four applicants, the Police Department recommends that the liquor application and liquor manager designation be denied.

Date, Time: Wed Oct 24 14:51:24 CDT 2007
Reporting Officer: Viterra
Unit #: 835



INTEROFFICE
MEMORANDUM
Building Department

*Working Together for a
Better Tomorrow. Today.*

DATE: October 29, 2007

TO: RaNae Edwards -- City Clerk

FROM: Craig Lewis -- Building Department Director *CL*

RE: Liquor license for 611E 4th Street, Zona Rosa Nightclub.

On October 26, 2007 an inspection was conducted of the above referenced address to check for basic code compliance with regard to a request for a liquor license.

At the time of that inspection electrical code violations were noted and in need of correction to be in compliance with the National Electric Code as adopted by the City of Grand Island. These basic corrections were to replace the use of extension cords with permanent wiring.

Additional code violations noted were the availability of off street parking and the presence of several junk vehicles and a large amount of car parts on the property. The use of this property and the property to the east as a salvage operation was discussed and the need for the approval of the City Council for a conditional use permit to allow for the salvage operation was identified.

During these discussions it was noted that the properties previously owned and operated as the nightclub and adjacent parking were now under separate ownership. That separation of ownership would not be code compliant under the City zoning code provisions. It was requested that the applicants submit a plan identifying the current property under common ownership and the required parking that is proposed to be provided for the nightclub facility.

At this time no such plan has been provided and I would suggest a denial of the requested license until such time as the required parking, electrical code, and junk vehicle violations are corrected.