



City of Grand Island

Tuesday, March 09, 2010

Council Session

Item E1

**Public Hearing on Request from Julio Melesio dba Copas De Oro,
413 West 4th Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 9, 2010

Subject: Public Hearing on Request from Julio Melesio dba Copas De Oro, 413 West 4th Street for a Class “C” Liquor License

Item #'s: E-1 & I-1

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

Julio Melesio dba Copas De Oro, 413 West 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.

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.

On November 10, 2009 City Council voted to forward this same application to the State Liquor Control Commission with no recommendation. The Liquor Control Commission denied Mr. Melesio's request on February 2, 2010 because of the applicant's character and reputation.

The Police Department report (see attached) through its background investigation and interviews are giving no recommendation for this application.

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 make no recommendation for the application.

Sample Motion

Move to make no recommendation of the application for Julio Melesio dba Copas De Oro, 413 West 4th Street for a Class "C" Liquor License.

02/18/10
16:05

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
1

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City : Grand Island
Occurred after : 15:37:52 02/18/2010
Occurred before : 15:37:52 02/18/2010
When reported : 15:37:52 02/18/2010
Date disposition declared : 02/18/2010
Incident number : L10022155
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 413 4th St W
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 18196
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L09101725	02/18/10	Liquor Lic Inv	Related

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

Received another Liquor License Application from Julio Melesio for Copas De Oro

LAW INCIDENT RESPONDERS DETAIL:

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

02/18/10
16:05

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:43:00 02/18/2010

02/18/10
16:05

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
3

318

Grand Island Police Department
Supplemental Report

Date, Time: Thu Feb 18 15:43:22 CST 2010
Reporting Officer: Vitera
Unit #: 865

I looked at the most recent application and didn't see any glaring differences with the old application. I checked Julio through Spillman again. He has since been cited for fictitious plates. I checked NCJIS and found that he was convicted of the fictitious plates violation. Julio did not list this conviction (not something that would automatically disqualify him) on the new application. I spoke to Julio on 2/17/10 and asked him why he was filling out another application so soon after being denied by the NLCC. He advised that his attorney is going to help him through the entire process this time. The rest of the information in this report is the exact same information from the first investigation. The GIPD will remain neutral once again.

COPIED INFORMATION FROM 1ST INVESTIGATION

I received a copy of a liquor license application from Julio Melesio who bought Copas De Oro. Julio disclosed that he has been convicted of possessing less than an ounce of marijuana on two separate occasions. Information in Spillman shows a third contact where Julio had been smoking marijuana before a disturbance at his house which was one week before his first citation for possession of marijuana. He also disclosed a willful reckless driving conviction that occurred at the same time as one of the marijuana charges. NCJIS revealed that the willful reckless conviction was the result of a plea agreement stemming from a DUI charge.

I checked Spillman and found that he had been cited for driving during suspension but did not see in NCJIS that he was convicted of it. I did not find any undisclosed convictions in the State of Nebraska. Julio disclosed some traffic convictions in Illinois, but I did not check his criminal history outside of Nebraska because I'm not able to run criminal history reports on liquor license investigations unless the application is false. NSP should have that information, but I have not been able to get ahold of Lorri Rogers. Julio has a valid Nebraska license and does not have any warrants for his arrest. He is a U.S. citizen.

On 11/2/09, I spoke to Pablo Lucero who sold the bar to Julio. Pablo said that he wants out of the business. He advised that his brother-in-law, Pedro "Peter" Garcia had been running the business and taking the profits. Pedro is a documented gang member. Pablo said he was lucky to see a hundred or two hundred dollars every couple of months. Pablo originally bought the bar for \$13,000. He said he sold it to Julio for \$2,000 which covers the material items in the bar. Pablo did not own the building. He was paying \$1,400 a month on a lease agreement. Pablo said he thinks Pedro is wanted and probably left town for California. Pablo hasn't seen him and doesn't know how to get ahold of him. I checked Spillman and confirmed that Pedro has two active arrest warrants. Pablo said if Julio's liquor license application isn't approved, he will probably just close the business.

On 11/3/09, I went to 120 W. 6th St. and spoke to Julio. Julio said that he

02/18/10
16:05

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 4

grew up in Chicago, Illinois and moved here a few years ago because his girlfriend is from Grand Island. He wanted to move to a smaller, less violent town where he could raise his children. He said that he has never been affiliated with any gangs and doesn't smoke marijuana anymore. However, when I first ask him if he is still using marijuana and when he last used, he asked me if his response was "off the record." I told him no and didn't get anymore information on that subject.

Julio advised that the guys involved in the latest drive-by shooting tried to get into Copas De Oro the night before the shooting, but one of them didn't look old enough and didn't present identification, so he didn't let them in. Julio said he doesn't know the men but knows of them.

I asked Julio why he would want to take a chance on a business that the seller wanted out of so badly. After expenses, I wondered if he would make enough money to support his family. Julio said the bar brings in about \$5,000 a week. I then asked why Pablo wanted out if the bar was doing that well. The only explanation Julio could think of was that Pablo was still paying fines and would also have to invest some money for bar renovations.

All in all, the Grand Island Police Department will remain neutral on the approval of the liquor license. However, it will be brought to the attention of the Council that 53-125 of the Nebraska Liquor Control Act states in part that, "No license of any kind shall be issued to a person who is not of good character and reputation in the community in which he or she resides." Julio has two marijuana convictions and a third contact for marijuana use all within the last three years. It seems like the question at hand is, "Is this type of criminal behavior conducive to running a business that sells liquor?"