



City of Grand Island

Tuesday, June 08, 2010

Council Session

Item E2

Public Hearing on Request from Myriam Alvarez dba El Trancaso, 413 West 4th Street for a Class "I" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 8, 2010

Subject: Public Hearing on Request from Myriam Alvarez dba El Trancaso, 413 West 4th Street for a Class “I” 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

Myriam Alvarez dba El Trancaso, 413 West 4th Street has submitted an application for a Class “I” Liquor License. A Class “I” Liquor License allows for the sale of spirits, wine, and beer, on sale only 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.

The Police Department report (see attached) has some concerns with this request and is not making a recommendation on 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 approve this application.

Sample Motion

Move to make no recommendation to the Liquor Control Commission on the application for Myriam Alvarez dba El Trancaso, 413 West 4th Street for a Class "I" Liquor License.

06/04/10
13:55

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 15:44:33 05/25/2010
Occurred before : 15:44:33 05/25/2010
When reported : 15:44:33 05/25/2010
Date disposition declared : 05/25/2010
Incident number : L10053649
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
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	59761	06/03/10	Ramos, Jose R	Mentioned
NM	116356	05/27/10	Alvarez, Myriam E	Owner

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

1 LT03 Bar/Night Club

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from El Trancaso.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

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Grand Island Police Department
LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:05:11 05/27/2010

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Grand Island Police Department
LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

Date, Time: Thu May 27 15:05:27 CDT 2010
Reporting Officer: Vitera
Unit- CID

Myriam Alvarez has applied for a Class I (beer, wine, spirits,-on sale only) license to operate a bar in the old Copas De Oro building. On Myriam's application, she disclosed that she has been convicted of selling to a minor in April of 2008, improper sale in September of 2008, and speeding in December of 2009. I looked Myriam up in Spillman and NCJIS. Through NCJIS, I found that Myriam has an undisclosed conviction for a handicapped parking violation. I could not find any other undisclosed convictions. I also searched the NLCC's web site and found the two alcohol sales violations that Myriam disclosed. No other violations were found.

On the application, it clearly asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution."

Myriam's failure to disclose her conviction for the handicapped parking conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed conviction would fall under state law or local ordinance. Either way, the conviction is either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

According to Myriam's application, she has lived in Grand Island since at least 1988. She was divorced from her husband (Jose Roberto Ramos) in July 2006.

On 6/3/10, I called the home number listed on the application hoping to reach Myriam. A woman answered the phone and said "no English." I then went to 602 W. 4th Street which is listed on Myriam's application as her home. This is the location of the Latin American Grocery Store. I went inside and spoke to a woman who said she didn't speak English. I called a translator line and was able to converse with the woman who said her name is Vivian. Vivian said she is a friend of Myriam's, and she was covering the store for Myriam while she was working elsewhere. Vivian claimed she didn't know where Myriam was working and didn't have a cell phone number for Myriam. I asked Vivian to show me where

Myriam lives, but she refused. I gave Vivian my card and asked her to have Myriam call me when she returned to the store at five o'clock.

I received a call from Myriam shortly before five o'clock. She advised that she has been working part time as a clerk for the Department of Health and Human Services (DHHS). I asked her how she is planning on running a grocery store, running a bar, and working part time for DHHS. Myriam said she was quitting her job with DHHS. She also said that her grocery store closes at 5:00 or 5:30, and she is planning on opening the bar at 6:00 P.M. Myriam said her grocery store

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doesn't open until 10:00 A.M. which should give her some time to sleep. Plus, she has some help at the grocery store.

I told Myriam that the Police Department had some problems with some of the clientele and calls for service at Copas de Oro. I asked her what her plans for the bar are. She said it's a small bar that can only hold about fifty people. She will have some music playing (no plans for bands), but that's about it. When asked who is helping her with the bar, she said she has "a lady in mind."

Another issue to ponder is the existence of several other liquor licenses in the immediate vicinity. The area is fairly saturated with bars and establishments with liquor licenses. I located 13 liquor licenses (mostly bars) in the area of where El Trancaso would be. They include: Fire House at 418 W. 4th, Tabres at 106 W. 4th, Sportsman's at 501 N. Pine, Empire at 123 East South Front, Chicken Coop at 120 E. 3rd, Las Vegas at 316 E. 2nd, J. Alfred Prufrock's at 308 N. Pine, Nathan Detroit's at 316 N. Pine, Sin City (old Hawg Wild) at 410 W. 3rd., Ed & Net's at 311 N. Walnut, Bonzai Beach Club at 107 N. Walnut, Gibby's at 807 W. 4th, and The Glass Bar at 1009 West North Front Street.

All in all, the Police Department has some concerns with Myriam's lack of a clear plan to manage the bar, her recent alcohol sales violations, and the number of bars already in the area. Besides those issues, Myriam has a pretty clean record. While considering Myriam's relatively clean record versus the concerns listed above, the Police Department has taken a neutral stance.