



# City of Grand Island

Tuesday, June 28, 2011

Council Session

## Item E3

**Public Hearing on Request from Gerardo Gutierrez dba Tacos Las Palmas, 645 South Locust Street Unit #4 for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** June 28, 2011

**Subject:** Public Hearing on Request from Gerardo Gutierrez dba Tacos Las Palmas, 645 South Locust Street, Unit #4 for a Class "C" Liquor License

**Item #'s:** E-3 & I-3

**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

Gerardo Gutierrez dba Tacos Las Palmas, 645 South Locust Street, Unit #4 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.

## **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 Gerardo Gutierrez dba Tacos Las Palmas, 645 South Locust Street, Unit #4 for a Class "C" Liquor License contingent upon final inspections and Mr. Gutierrez completing a state approved alcohol server/seller training program.

06/22/11  
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15:03  
1

Grand Island Police Department

LAW INCIDENT TABLE

Page:

City : Grand Island  
 Occurred after : 14:14:48 06/07/2011  
 Occurred before : 14:14:48 06/07/2011  
 When reported : 14:14:48 06/07/2011  
 Date disposition declared : 06/07/2011  
 Incident number : L11061306  
 Primary incident number :  
 Incident nature : Liquor Lic Inv Liquor License  
 Investigation  
 Incident address : 645 Locust St S  
 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 : 18541  
 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
NM	122100	06/17/11	Gutierrez, Maria	Gerardo's Wife
NM	128063	06/17/11	Gutierrez, Gerardo	Owner
NM	167162	06/17/11	Tacos Las Palmas,	Business

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT21	Restaurant	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for Tacos Las Palmas.

LAW INCIDENT RESPONDERS DETAIL:

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

06/22/11

Grand Island Police Department

450

15:03

LAW INCIDENT TABLE

Page:

2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:40:49 06/17/2011

06/22/11  
450  
15:03  
3

Grand Island Police Department

LAW INCIDENT TABLE

Page:

318

Grand Island Police Department  
Supplemental Report

Date, Time: Fri Jun 17 13:41:01 CDT 2011  
Reporting Officer: Vitera  
Unit- CID

I received a copy of an Individual liquor license application from Gerardo Gutierrez for Tacos Las Palmas. He is requesting a Class C license which allows beer, wine, and distilled spirits on and off sale. His wife, Maria Gutierrez is the only other person listed on the application. The Gutierrez's have lived in Grand Island for about six years. Before that, they lived in Moreno Valley, California for at least four years. They are Naturalized U.S. Citizens.

On the part of the application that asks if the applicants have any convictions, the "No" box was checked. I checked Spillman and NCJIS on each of them. They have entries in Spillman but nothing that would indicate any convictions. I located them in NCJIS as well. They didn't have any convictions. The only

possible discrepancy I could find on the application involves an address. In February of 2007, Gerardo was stopped by the Nebraska State Patrol. He was given a warning. Gerardo's home address was listed as 200 E. 11th St. in Cozad, Nebraska. According to the application, Gerardo and Maria lived in Grand Island in 2007.

I also attempted to do a Google search on Gerardo, but there were too many possibilities to narrow down. I checked Gerardo and Maria through Entersect and didn't find much other than the possibility of a bankruptcy.

On 6/21/11, I spoke to Gerardo at Tacos Las Palmas. Gerardo said he has been a hard working man all of his life who has never been in jail. He moved to the United States from Mexico at age eighteen. He lived in Southern California until he moved to Nebraska. He lived in Cozad for about three months and has been in Grand Island ever since. I asked Gerardo if he had ever filed for bankruptcy. He said that he has not.

Gerardo also advised that he is not looking to change his business plan and become a bar or nightclub. He just wants to offer his customers more options. I told Gerardo that I was a little concerned about him having a liquor license if his son is involved due to some problems his son has had with the law. Gerardo advised that his son got out of prison about a year ago and has been staying out of trouble and living with him. His son helps a little bit with the business. When Gerardo closes the restaurant on Friday and Saturday nights, he opens his mobile "taco wagon." His wife and son help run the taco wagon. Gerardo said that if he has problems because of a liquor license, he will go back to a restaurant with no alcohol.

In summary, Gerardo and Maria have lived in Grand Island for about six years. While they have a son who has gotten into some trouble with the law, they have not. If they don't have any criminal records in California that would exclude them from having a liquor license, the GIPD does not object to Tacos Las Palmas

having a liquor license.

06/22/11  
450  
15:03  
4

Grand Island Police Department

LAW INCIDENT TABLE

Page:



