



City of Grand Island

Tuesday, February 28, 2012

Council Session

Item E1

**Public Hearing on Request from Javier Rodriguez dba El
Trancaso, 415 West 4th Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: February 28, 2012

Subject: Public Hearing on Request from Javier Rodriguez dba El Trancaso, 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

Javier Rodriguez dba El Trancaso, 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.

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 Javier Rodriguez dba El Trancaso, 413 West 4th Street for a Class "C" Liquor License contingent upon final inspections and completion of a state approve alcohol server/seller training program.

02/22/12

Grand Island Police Department

495

17:24

LAW INCIDENT TABLE

Page: 1

City	: Grand Island
Occurred after	: 12:06:10 02/01/2012
Occurred before	: 12:06:10 02/01/2012
When reported	: 12:06:10 02/01/2012
Date disposition declared	: 02/01/2012
Incident number	: L12020036
Primary incident number	:
Incident nature Investigation	: Liquor Lic Inv Liquor License
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	: Viterra D
How received	: T Telephone
Agency code	: GIPD Grand Island Police Department
Responsible officer	: Viterra 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	122140	02/20/12	Rodriguez, Javier SR	Owner
NM	158489	02/20/12	El Trancaso Bar,	Business

Involved

LAW INCIDENT CIRCUMSTANCES:

Se Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club

LAW INCIDENT NARRATIVE:

I Received a Copy of an Individual Liquor License from Javier Rodriguez for El Trancaso

LAW INCIDENT RESPONDERS DETAIL:

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

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	10:29:47 02/20/2012

Grand Island Police Department

Supplemental Report

Date, Time: Mon Feb 20 10:29:59 CST 2012

Reporting Officer: Vitera

Unit- CID

Javier Rodriguez Sr. is buying El Trancaso and applying for a Class ID (beer,

wine, distilled spirits on and off sale) Individual License. Javier is the only

person listed on the license. The application says that he is filing for a

Temporary Operating Permit (TOP), but I don't see a copy of the permit attached.

The application also says that Javier is not borrowing any money to

establish/operate the business. Javier stated that he has never been convicted

of any charge, and he has lived in Nebraska for at least the last twelve years.

I checked Javier through Spillman and NCJIS and didn't locate and convictions.

I noticed in Spillman that another officer ran a nation-wide criminal history

check on Javier during another investigation in December of last year. It was

negative. I checked Javier for warrants. He doesn't have any warrants for his

arrest, and he has a valid driver's license. I also sent a request to our local

Homeland Security Investigations office to check on Javier's immigration status.

I was later informed that Javier became a Naturalized Citizen in 2010.

I also checked Javier through a police Internet database and didn't find much.

It appears that Javier had a judgment against him in Hall County in 2008 for the

amount of \$3,165. I will check into this later. I also learned that Javier is

apparently a member of a corporation called "Artistas Latinos Promotions."

On 2/21/12, I called the Hall County Court and was told that the file dealing

with the civil suit involving Javier Rodriguez was in storage and there was no

computer access to it.

On 2/22/12, I met with Javier at El Trancaso. Javier told me a little bit about

himself. He said that he is originally from Columbia and has lived nowhere else

but Nebraska since he moved from Columbia. He has two adult children who each

have advanced degrees. One son has a PHD, and the other has a Master's Degree

and is working on his PHD. Javier used to be a veterinarian in Columbia. He

currently works as a nursing assistant and a medical aide. He plans on

collecting Social Security next year and would like some supplemental income.

Javier applied for a TOP but doesn't have it yet. He showed me a letter from

the NLCC requiring a purchase agreement before a TOP would be issued. Even

though he has paid Myriam Alvarez and technically owns the bar, Myriam is running it until he gets his TOP and eventually gets his license.

I asked Javier about the information I found through the police only Internet

database. He confirmed that he paid Fernando Mejia over \$3,000 for a civil

suit. Javier said he financed Fernando on the purchase of a truck. Fernando

quit paying him. Javier repossessed the truck. Fernando claimed he had personal property in the truck that was never returned to him.

I also asked Javier about Artistas Latinos Promotions. Javier said he ran a

corporation that contracted with known musical artists to perform at certain

venues. He doesn't do it anymore and hasn't for about a year. He said he didn't like that business and many of the people he dealt with.

After discussing some common problems that get liquor license holders in trouble, I asked him if he had any questions. The only question he had dealt

with dancers (strippers). There is a pole in El Trancaso. Javier said some of

the female customers like to use the pole to dance. He wondered how much of

their body they can show. He hinted that in the future he would consider having

paid dancers. I told him that he can't have topless and/or bottomless dancers

in Grand Island. If I understood him correctly, he was more interested in making sure it wasn't against the law if some of his customers pole-danced while being scantily clad.

As long as Javier doesn't have exotic dancers at his bar, the Grand Island

Police Department has no objection to him receiving a liquor license.

