COMMITTEE ASSIGNMENTS

CHAIR

Licenses Committee

VICE CHAIR

· Community and Economic Development Committee

MEMBER

· Steering and Rules Committee

June 30, 2016





TONY ZIELINSKI ALDERMAN, 14TH DISTRICT

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 151770

Attached is the written objection to file number 151770, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to the recommendation of:

Renewal, with a 30 day suspension of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses, based upon the police report, and aldermanic and applicant testimony for Martin Jimenez Segura for the premises located at 2537 W National Ave ("Candelas") in the 8th aldermanic district.

This matter will be heard by the full Council at its Wednesday, July 6, 2016 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statements and materials.

Respectfully,

Tony Zielinski, Chair Licenses Committee

Zalnyki

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 151770



CITY OF MILWAUKEE

2016 JUN 29 PM 3: 53

CITY CLERK'S OFFICE

MC JIMENEZ LLC DBA: CANDELAS RESTAURANT AND BAR 2537 W NATIONAL AVE MILWAUKEE WI 53204 414-763-8981



June 29, 2016

To:

All Members of the Milwaukee Common Council

RE: LIQUOR LICENCE -PREMISES 2537 W NATINAL AVE

APPEAL LETTER

Hello, My name is Martin Jimenez Segura and I'm the primary manager with the support of my wife Claudia Jimenez at the Bar and Restaurant Located on 2537 W national – Milwaukee WI 53204 with legal name MC Jimenez and DBA as Candelas Restaurant and Bar. We have been operating the business since November 1st, 2012 and one of our primary goals are to support our community and neighbors by operating our business with integrity and most importantly in a way that does not create any negative image or negatively impact to the community and/or neighbors.

We are writing this letter because we received your letter dated 06/23/2016 scheduling a meeting to consider whether to renew, renew with suspension between 10 and 90 days, or not to renew the class B tavern, Food dealer and public entertainment premises licenses for our premises.

Please consider the following Statements as response and our corrective action plan to the Findings you also presented with your letter:

FINDING A: January 31, 2015-Loud Music

When police arrived to our premises as a response to a loud music complain we spoke to the officer and a soon as the situation was informed to us we took action and have the music volume reduced.

Soon thereafter, a few weeks later we inspected the premises and notice that by opening and closing the doors the sound of the music would expand to the outside and could be the caused for the complaint. Since then we prohibited the opening and closing of the back doors during the time the music was on we catered events.

FINDING B: November 25, 2015-Loud Music

On 11/25/2015 we were faced again we a complain about loud music, we noticed that the equipment used that night was louder than normal due to the specific sound system used. Since then we ensure that the music is not playing loud by periodically checking outside and throughout our observation and physical inspection of the surrounding of the premises we make sure that the noise of music is reduced to the extend it does not affect the peace of our neighbors.

It was stated with our statement of special use that we shall control the noise by applying any measurements as I would be necessary. Please Considered that we have work continuously to reduce the negative factors that any business like ours would face.

FINDING C: December 26, 2015 - Shots Fired Complaint

Police responded to shots fired <u>OUTSIDE THE BUILDING</u> and Unrelated to the business patrons' of a party that was being catered at the time (Xmas party). The police officers that responded to the call reported that we had minors present on the premises. That is true because they were part of the family that rented the premises. However they were not drinking. You may understand that under the circumstances and under the control of family and parents children may be present at family reunions.

Furthermore the police officer find that we did not respond to the door on a timely basis. We heard shots fired and our firs action was to make sure the doors were locked because the shots outside were completely unrelated to the business operations of that day. We did not have any reason or intentions no to respond the door to the police. Under the circumstances the police has the right to be more strict and imposed their power as they seem necessary under the circumstances. However, we feel the incident was isolated from our business activity and out of our control.

Officer also found that we exceeded capacity and we understand it was an error in our part. However We have been always in the best position to follow and comply with the city laws and we took full responsibility on the violation immediately. Internally we created new plan of operation that would avoid excess capacity in the future by tracking daily the amount of clients that come in and out of the premises and maintaining the actual number of clients in the premises at all times. We have been implementing this procedure by using a counter system and a daily log right after the incident. We feel that this process has help us to control excesses capacity and will continue to use it indefinitely as we also understand the consequences and risk that an over capacity building carries.

FINDING D: Unaware of Items on the Police Report

The City send mail informing of finding and dates for mandatory meeting to review the licensing renewals due to issues stated above. We did not receive the mail and honestly we were not informed of the meeting, its purposes and consequences. We have never in the past be under this circumstances and the normal process was only to pick up the license and pay.

It is important to consider that the post office changes mail personal and that in many circumstances I personally have received incorrect mail addressed to other residents. It is my understanding that a letter was mail to us informing us of the common council meeting. However, I never received that letter it is possible that my mail was delivered at the wrong address. "Our assumption" as we did not get it and we would not ignore a letter of this type as it was a very important letter.

The grounds for your meeting we understand are due to all issued presented above, However, as stated above, please consider that we have at all time find ways to correct the findings. We feel that suspending our license would not have any positive benefit to anyone. As in the adverse it will negatively impact our financial situation, affect employees finances, affect the business because it will be close.

Having the place close will causes financial difficulties due to the fact that all bills continue to run and it may be impossible to maintain current bills and not generate any income as you can imagine. Employees will also be impacted in the same manner.

As stated above we have formally have find correction action plans for the circumstances that have be brought to our attention because we want our business to succeed and at the same time we do not want our business to have any negative impact in our community. We feel that suspending the license will only have a negative impact to our families and employees as we already took responsibility of the matters and already look for way to fully control that situations of these type of finding are not present in our day to day operations.

Please consider renewing our licenses without any suspensions.

Martin Jimenez Segura

Agent

Martin Jimenez Segura Came in front of me and Signed this Document today 6/29/16_

PUBLIC & Alfordame My commission sepires on 11/04/2017



Office of the City Clerk

Jim Owczarski City Clerk jowcza@milwaukee.gov

Richard G. Pfaff Deputy City Clerk rpfaff@milwaukee.gov

June 23, 2016

Martin Jimenez Segura MC Jimenez LLC 2537 W National Ave Milwaukee, WI 53204

Dear Mr. Jimenez Segura:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, July 6, 2016, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) for the premises located at 2537 W National Ave ("Candelas").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending a 30 day suspension of the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) based upon the police report, and aldermanic and applicant testimony. This recommendation is the result of a public hearing before the Committee held on Tuesday, June 21, 2016.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) based upon the Findings of Fact contained within the Licenses Committee report.

You may file a written response to the report of the Licenses Committee. The written response must be filed with the City Clerk by 4:45 p.m. on Wednesday, June 29, 2016 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to both jowcza@milwaukee.gov and molly.kuether@milwaukee.gov. You will be sent an e-mail notification that your objections were received within 24 hours. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414)-286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,

JAMES R. OWC. City Clerk



COMMITTEE ASSIGNMENTS

CHAIR

Licenses Committee

VICE CHAIR

Community and Economic Development Committee

MEMBER

Steering and Rules Committee





TONY ZIELINSKI ALDERMAN, 14TH DISTRICT

Date:

June 23, 2016

To:

All Members of the Milwaukee Common Council

From:

Licenses Committee

Re:

Report on the Renewal Application of the Class "B" Tavern, Food Dealer's and Public Entertainment Premises (PEP) licenses of Martin Jimenez-Segura for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas").

FINDINGS OF FACT

- 1. Martin Jimenez-Segura (hereinafter "the Licensee"), is the holder of a Class "B" Tavern, Food Dealer's and PEP licenses for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas"). Said license expired at midnight on May 20, 2016.
- An application to renew said license was filed with the Office of the City Clerk on May 25, 2016.
- 3. On June 10, 2016 the City Clerk's Office provided timely notice to the Licensee of a License's Committee hearing pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes regarding police report and neighborhood objections to the renewal of the license. The matter was scheduled for a hearing on the Milwaukee Police Department report and neighborhood objections on May 26, 2016, commencing at 8:30 a.m. in Room 301B of the third floor of City Hall. At said date and place, the Licensee did appear and was not represented by counsel.
- 4. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:
 - A. On January 31, 2015, Milwaukee police responded to a loud music complaint at 2537 West National Avenue (Candelas). Officers could hear music while standing outside at the rear of the business. They spoke to the applicant who indicated he would ask the DJ to turn down the bass on the speakers and he would look into having the rear of the building sound proofed. No violations were observed and no citations were issued.
 - B. On November 25, 2015 Milwaukee police responded to a loud music complaint at 2537 West National Avenue.



C. On December 26, 2015 Milwaukee police responded to a shots fired complaint at 2537 West National Avenue (Candela's Bar). A Milwaukee police department incident report was filed regarding the casing recovered outside the premise. Upon arrival, officers discovered the front door to the business was locked and they had to knock to gain entry. Once inside, offices discovered several patrons under the legal drinking age of 21 and that the number of patrons exceeded the posted authorized occupancy of 99. Officers counted 290 patrons as they exite4d the business. The applicant, who was on the scene during this incident, received several citations.

Disposition for the above was March 17, 2016

- D. Applicant stated that he was unaware of the items on the police report. He stated he is unaware of what happened during the pajama party, because he rented the place out for a Christmas party. He added that the loud music complaints are from surrounding bars. The applicant clarified that the bars are not near his bar, but patrons from other bars are calling in complaints about his bar. Applicant stated he is checking IDs and has security and a counter to count patrons to keep track of capacity after Alderman Rainey asked why they had exceeded the occupancy by almost 200 patrons.
- E. Claudia Jimenez stated they stopped having private events because the patrons did not know how to behave. She added they are now focused on running the restaurant and community events.
- F. Alderman Donovan stated the application came up twice before committee and was denied because of nonappearance. He stated there are no other bars near the premises. He added he is concerned about their lackadaisical approach to running their establishment because they missed two hearings regarding their renewal before the committee and they had 290 people which exceeded their capacity. He feels a message needs to be sent to them.

CONCLUSIONS OF LAW

- 1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 90 and 108 of the Milwaukee Code of Ordinances.
- 2. Based upon the above facts found, the Committee concludes that the licensee, Martin Jimenez-Segura, has not met the criteria of Chapter 125 of the Wisconsin Statutes or

Chapters 90 and 108 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern, Food Dealer's and PEP licenses for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas"), without undergoing a thirty (30) day suspension of said licenses. The Committee finds the police report, aldermanic and applicant testimony, as stated above, to be true.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and PEP licenses of Martin Jimenez-Segura, for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas"), with a thirty (30) day suspension based on the police report, aldermanic and applicant testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) excused recommends that the Class "B" Tavern and PEP licenses of Martin Jimenez-Segura for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas") be renewed with thirty (30) day suspension based upon the police report, aldermanic and applicant testimony.

Said suspension will be in effect between July 6, 2016 through 11:59 p.m. August 4, 2016.

Dated and signed at Milwaukee, Wisconsin this 23rd day of June, 2016.

TONY ZIELINSKI, Chairman

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Licenses Committee

225606



1027 S. 5th Street CITY OF MILWAUKEE Milwaukee, WI 53204

2016 JUN 29 PM 3: 53

CITY CLERK'S OFFICE

Ph: 414-643-1620 Fx: 414-643-1621

www.vdlf.org

Ms. Christine Neumann-Ortiz Executive Director, Voces de la Frontera 1027 S. 5th Street, Milwaukee, WI 53204 Cell: 414-736-2835 Email: <u>Christine@vdlf.org</u>

To members of the Licensing Committee:

June, 25, 2016

This is a strong letter of support for MC Jimenez LLC owner of Candela's Restaurant & Bar to secure a license for his business. As an organization that has worked closely with small business owners in Milwaukee's Southside for over a decade, we can vow to the excellent contributions this business has made to the neighborhood and broader community.

Candela's Restaurant has always been a friendly, good family restaurant and the owner has always has a strong commitment to social justice and supported community events. Indeed, he is an exemplary small business owner in our city.

We understand that there was a recent incident that occurred at the end of last year. To address that issue MC Jimenez has changed current practices to ensure better security including, including hosting smaller events, formally counting the people entering the building, changing the security, among other measures.

The option of closing the business for a month is not really an option as it would hurt the business: MC Jimenez would have to break existing contracts, 5 experienced employees would be laid off that need to pay their bills and might look for other work, and the need to maintain a regular business schedule, to not lose clientele.

Small business owners are critical for the City of Milwaukee for creating jobs, generating taxes, and bringing life to a neighborhood. We know that there are citywide problems related to crime that are a sad reality. However, forcing this business to close-even temporarily-will not help solve the problem. We hope that the Licensing Committee can work with this establishment to ensure strengthened measures are in place to reduce any future problems but support small business owners that are such a critical part of our economic life; especially, those businesses that have a strong commitment to give back to their community.

Please feel free to contact me for any questions or additional information at 414-736-2835 or Christine@vdlf.org.

Sincerely,

Christine Neumann-Ortiz, Executive Director



Clarke Square Neighborhood Initiative

2110 West Scott Street Milwaukee, WI 53204 (414) 647-0548 www.clarkesquare.org

CITY OF MILHAUKEE

2016 JUN 29 PM 3: 53

CITY CLERK'S OFFICE

Board of Directors

Tyna Rule
President
Clarke Square Resident
Community Volunteer

Pastor Charles Green Vice-President Christian Faith Fellowship East

Eugene Manzanet Treasurer PNC Bank

Dr. Michele Bria, Ph.D. Secretary
Journey House

Kathy Carlos Clarke Square Resident Community Volunteer

Valeria Cerda Clarke Square Resident Community Volunteer

John Miceli Eppstein Uhen Architects

Catherine Peltz
Community Volunteer

Richard Schwoegler, III Community Volunteer

Tranaise Scott Fannie Mae

Ian B. Bautista, AICP
Executive Director

June 29, 2016

James R. Owczarski, City Clerk City of Milwaukee City Hall, Room 205, 200 E. Wells St. Milwaukee, WI 53202 Via e-mail: jowcza@milwaukee.gov

Dear Mr. Owczarski:

I am writing in reference to the matter concerning Martín Jiménez Segura (MC Jimenez LLC) d/b/a Candela's Family Restaurant and Bar at 2537 W. National Avenue here in the Clarke Square Neighborhood.

We appreciate the City of Milwaukee, and most especially the Licenses Committee's diligence in assuring the safety and soundness of the business referenced herein. Thank you for your commitment.

We are, however, concerned about the future of the business, the family who owns it, the block (including surrounding businesses), and the neighborhood if the Milwaukee Common Council moves to revoke the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) on July 6, 2016. We humbly ask the Milwaukee Common Council not to revoke this license for this business.

We just began working closely with Mr. Jiménez to cooperate on improving his management practices, creating a business plan, and his commitment to corporate responsibility in and with the Clarke Square Neighborhood. His location at South 26th & West National Avenue is highly visible and indicative of the forward progress of the neighborhood from an economic development perspective. We are excited about his recommitment to opening and operating a reputable family restaurant. We are equally encouraged by recent the success of the adjacent business, Gloria's Cakes & Café (2531 W. National Ave.) and the purchases of and in one case the complete rehabilitation of nearby properties (e.g. 2433-35 W. National Ave.).

We are committed to working with Mr. Jiménez to address the serious concerns delineated in the Licenses Committee's report dated June 23, 2016. We take those incidents into consideration as we actively work with partners and neighbors (including business leaders such as Mr. Jiménez) to improve the public safety of the neighborhood.

Mr. Jiménez has committed to working with us and our partners to improve his management and operating practices, create a business plan, and to engage in a more meaningful way in the social and economic structure of the neighborhood. For example, he is actively working with the Clarke Square Neighborhood Initiative's partner, the Wisconsin Women's Business Initiative Corporation (WWBIC)

to create a business plan, pursue financing for better facility layout (in keeping with safety features known as Crime Prevention Through Environmental Design – CPTED), and other welcome investments in the facility.

We appeal to the Milwaukee Common Council to provide forbearance to Mr. Jiménez in order to preserve this business as a component of the economic value, social fabric, and vitality of the real estate market here in Clarke Square. We do not want to see Candela's closed down permanently. This would add to the vacancy rate on National Avenue, at a time when we are experiencing forward progress toward our neighborhood's goal of prosperity.

Please give every consideration to allowing the Clarke Square Neighborhood Initiative and our partners to work with Mr. Jiménez to resolve the concerns the Licenses Committee and the Common Council have raised. We would be amenable to any conditions or safeguards the Council sees fit to enable this small business to thrive and to continue to be part of the prosperity of the Clarke Square Neighborhood.

Thank you in advance for your consideration.

Sincerely,

lan B. Bautista

cc: Martín Jiménez Segura and Claudia Jiménez

Alderman Robert Donovan

Alderman Tony Zielinski, Chairman Licenses Committee

Captain Heather Wurth, Milwaukee Police Department District Two

2016 JUN 29 PM 3: 53
CITY CLERK'S OFFICE

CONSENT AND SIGNITURE FORM

Hello, My name is Martin Jimenez and I'm the primary manager at the Bar and Restaurant Located on 2537 W national – Milwaukee WI 53204 with legal name MC Jimenez and DBA as Candelas Restaurant and Bar. We have been operating the business since November 1st, 2012 and one of our primary goals are to support our community and neighbors by operating our business in a way that does not create any negative image or negatively impact the community and/or neighbors.

We are approaching you today to get your support and your comments regarding our business. Currently, the city of Milwaukee is in the process to suspend our license mainly due to a violation of capacity that occurred on December 25, 2015.

We have been always in the best position to follow and comply with the city laws and we took full responsibility on the violation immediately. Internally we created new plan of operation that would avoid excess capacity in the future by tracking daily the amount of clients that come in and out of the premises and maintaining the actual number of clients in the premises at all times. We have been implementing this procedure by using a counter system and a daily log right after the incident.

By signing this document you will officially endorse you support that our business continue open and you are attesting that during the time we have been conducting business you are comfortable with the way we have handle the business operations.

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NAME MORICY FREGOSO	ADDRESS 2207 W. PRICE	_SIGNATURE	_DATE 06 - 29 - 2016
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2016 JUN 29 PM 3: 54 CITY CLERK'S OFFICE

CONSENT AND SIGNITURE FORM

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during the time we have been conducting business you are comfortable with the way we have handle the business operations. ADDRESS SIGNATURE ADDRESS DATE DATE ADDRESS SIGNATURE **ADDRESS** DATE NAME ADDRESS **M**∕M ~SIGNATURE DATE NAME ADDRESS DATE FULL ADDRESS SIGNATURE DATE NAME **ADDRESS** SIGNATURE DATE



2537 W National Ave - Milwaukee, WI - 414-305-1271
2537 W National Ave

Milwaukee, WI 53204

Claudia Jimenez (414)305-1271

CITY OF MILWAUKEL

2016 JUN 29 PM 3: 54

CITY CLERK'S OFFICE

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2537 W National Ave Milwaukee , WI 53204 Claudia Jimenez (414)305-1271

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2537 W National Ave Milwaukee , WI 53204 Claudia Jimenez (414)305-1271

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2537 W National Ave Milwaukee, WI 53204

Ciaudia Jimenez (414)305-1271
Nombre Maria Vega
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Claudia Jimenez



H.J

2537 W National Ave - Milwaukee, WI - 414-305-1271

2537 W National Ave Milwaukee , WI 53204 Claudia Jimenez (414)305-1271

Oladdia Sifferiez (414)305-12/1
Nombre Jamine. Sanchez
Direccion 4020 35 13 5t
Telefono (414) 410-50 27
Evento 7-23-16 Baby Shower
Fecha de evento 7 / 23 / //
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Balance \$ 390 ° c
Dj - Sonido - Grupo\$
P
Terminos & Condiciones
Solo se permite meter comida (banquete)
No se permite meter ningun tipo de bebidas. (botellas aguas jugos alcohol) de lo contrario se la
cobrara el preció fluestro de la botella.
Bodas & Quinceañera se bende aqui el brindis.
Si cancela el evento se pierde el deposito total!
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Claudia Jimenez fecha