

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
MARCH 5, 2014 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of March 5, 2014 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

Present: Board Members Don DiFatta, Doris Harrison, Mike Ferris, Charles Pullaro, Jr. and Tom Rose. Also Present—Assistant City Attorney, Lisa Macchietto and Municipal Records and Technical Coordinator/City Clerk Office, Daryl Payne.

APPROVAL OF MINUTES

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of February 5th, 2014 and the Regular Meeting of February 19th. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

AMENDMENTS TO CONSENT AGENDA

Chairwoman Harrison asked if there anyone present for Agenda Item 6. There was no response.

Mr. DiFatta, seconded by Mr. Ferris, moved to remove Consent Item 6 and approve the Agenda as amended. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 **HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**
MaLaTa, Inc. d/b/a Felice's Pizzeria, 1725 W. Pueblo Boulevard
GMRI, Inc. d/b/a Red Lobster #482, 3306 N. Elizabeth Street
University Stop, LLC d/b/a Andy Mac's, 2149 Jerry Murphy Road
- 2 **TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**
Olde Towne Carriage House, LLC d/b/a Olde Towne Carriage House, 102 S. Victoria Avenue
Pueblo Business Services, Inc. d/b/a Broadway Cup 'N Cork, 100 Broadway
Circle Inc. d/b/a Circle Tavern, 405 E. Northern Avenue
- 3 **BEER & WINE LICENSE APPLICATION-RENEWAL-GOLDEN CHINA, INC. D/B/A CHINA RESTAURANT, 1600 HIGHWAY 50 WEST**
- 4 **RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-JUN'S INC. D/B/A NORWOOD DISCOUNT LIQUORS, 2103 N. NORWOOD AVENUE**
- 5 **CABARET LICENSE APPLICATIONS-RENEWALS- TOTAL OF 2 RENEWALS**
Olde Towne Carriage House, LLC d/b/a Olde Towne Carriage House, 102 S. Victoria Avenue
MaLaTa, Inc. d/b/a Felice's Pizzeria, 1725 W. Pueblo Boulevard
- 6 **PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE-OLDE TOWNE CARRIAGE HOUSE, LLC D/B/A OLDE TOWNE CARRIAGE HOUSE, 102 S. VICTORIA AVENUE (NEW MANAGER DOUGLAS E. STOUT REPLACES MARK E. STOUT) REMOVED FROM THE AGENDA**

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the Consent Agenda as read. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA

MEETING
NUMBER

7 NEIGHBORHOOD SURVEY: NEW TAVERN LIQUOR LICENSE– WATERFRONT ON THE RIVERWALK, INC. D/B/A WATERFRONT ON THE RIVERWALK, 101 S. MAIN STREET, UNIT 202 & 204

Neighborhood Surveyor Don Vest, 516 Lincoln was sworn in and presented to the Board the demographics and map of the defined neighborhood for issuance of a new Tavern Liquor License for premises to be known as *Waterfront On The Riverwalk*.

Mr. Ferris, seconded by Mr. Rose, moved to receive the survey and set the hearing for March 19th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

8 HEARING: NEW CABARET LICENSE– WRONG NOTE, LTD. D/B/A THE DOWNTOWN BAR, 103 CENTRAL PLAZA

Members Keith Avery, 821 Westacres Avenue; Pueblo, CO and Brian Palomar, 821 Westacres Avenue, Pueblo, CO were sworn in to testify in this matter. The Board stated the moral character for the members was determined with respect to issuance of the Liquor license and satisfactory to the Board. Mr. Pullaro questioned the applicants in regard to the financial funding for this endeavor. Mr. Avery stated that proceeds from the business were adequate to make the necessary changes needed for the Cabaret License and no loans were needed.

For the record, it was determined there was no one present in opposition to the issuance of this license.

Chairwoman Harrison revealed the results of valid signatures on the petitions, which were previously distributed to and reviewed by the Board. The circulated petitions will be entered into the record and were collectively marked as *Exhibit 1*.

Mr. Pullaro, seconded by Mr. DiFatta moved to approve this application for a cabaret license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Assistant City Attorney, Lisa Macchietto read the proposed Findings and Order for the Board's consideration.

Mr. Pullaro, seconded by Mr. Ferris moved to approve the Findings and Order. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

9 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– THE BAILEY & DANAHER COMPANY, LLC D/B/A THE CARRIAGE HOUSE RESTAURANT, 406 W. 15TH STREET

LLC member, John Bailey, 1102 E 7th, Pueblo, CO was sworn in to testify in this matter for issuance of a new Hotel & Restaurant Liquor license for premises to be known as *The Carriage House Restaurant*. Mr. Bailey stated his wife, Ms. Janet Ruiz-Bailey who holds 50 % interest in the LLC could not be present for the Hearing. Although Mr. Bailey stated he had a notarized statement from Ms. Ruiz-Bailey, the board determined with the assistance of Assistant City Attorney, Lisa Macchietto they would like to continue the Hearing so Ms. Ruiz-Bailey, could testify in person

Mr. Rose, seconded by Mr. Ferris, moved to continue the hearing to March 19th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

10 HEARING: NEW TAVERN LIQUOR LICENSE–J MICHAEL’S, LLC D/B/A JMICHAEL’S UNION AVENUE PUB, 325 S. UNION AVENUE

Mr. DiFatta, seconded by Mr. Ferris, moved to continue this hearing to March 19th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

11 HEARING: NEW CABARET LICENSE–J MICHAEL’S, LLC D/B/A JMICHAEL’S UNION AVENUE PUB, 325 S. UNION AVENUE

Mr. DiFatta, seconded by Mr. Ferris, moved to continue this hearing to March 19th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

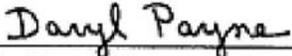
12 COMMUNICATION FROM VALERIE A. PALUMBO, CITY OF PUEBLO SALES TAX AUDIT MANAGER RE: ALLEGED LIQUOR CODE VIOLATION-RETAIL LIQUOR STORE LIQUOR LICENSE-FRANKY’S LIQUOR MART, INC. D/B/A FRANKY’S LIQUOR MART, 905 W. 4TH STREET, (LICENSEE IS CURRENTLY DELINQUENT WITH RESPECT TO FILING SALES & USE TAX RETURNS AND HAS A HISTORY OF UNTIMELY AND DELINQUENT FILING OF SALES & USE TAX RETURNS) CONTINUED FROM FEBRUARY 19, 2014

Owner Cheryl Gonzales, 2519 N. Greenwood appeared before the Board. It was explained to Ms. Gonzales that Conflicts Counsel still had not arrived at a stipulation and the Board would determine if the matter would be set for Hearing. The Board asked Ms. Gonzales if she had been in contact with the Sales Tax Division and resolved the delinquency with respect to the account. Ms. Gonzales stated she has made payments but the account is still in arrears.

Mr. Ferris, seconded by Mr. Rose, moved to find probable cause for this matter and set a Hearing for April 2nd, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

ADJOURN – With no further business before the Board, the meeting was adjourned at 6:31 p.m.

Respectfully submitted,



Daryl Payne, CMC, Municipal Records Manager
City Clerk’s Office