

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
MARCH 19, 2014 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of March 19, 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 Deputy City Clerk Lori Bravo-Neff.

APPROVAL OF MINUTES

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

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-RENEWAL-DO DROP INN, INC. D/B/A DO DROP INN, 1201 S. SANTA FE AVENUE**

- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 6 RENEWALS**
First and Main Bar & Grill, LLC d/b/a First and Main Bar & Grill, 117 N. Main Street
Richard R. Gonzales d/b/a Pixie Inn, 440 S. Santa Fe Avenue
Pueblo Union Depot, Inc. d/b/a Pueblo Union Depot, 132 W. B Street
J Beatty Events, LLC d/b/a The River's Edge, 102 S. Oneida
John & Jeanne's Star Bar, LLC d/b/a John & Jeanne's Star Bar, 300 Spring Street
Riverwalk Restaurant and Lounge, LLC d/b/a Riverwalk Restaurant and Lounge, 219 S. Grand

- 3 CABARET LICENSE APPLICATIONS-RENEWALS- TOTAL OF 4 RENEWALS**
University Stop, LLC d/b/a Andy Mac's, 2149 Jerry Murphy Road
Richard R. Gonzales d/b/a Pixie Inn, 440 S. Santa Fe Avenue
Pueblo Union Depot, Inc. d/b/a Pueblo Union Depot, 132 W. B Street
John & Jeanne's Star Bar, LLC d/b/a John & Jeanne's Star Bar, 300 Spring Street

- 4 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR-HARP FOUNDATION, MAILING ADDRESS: 125 RIVERWALK PLACE, EVENT MANAGER: CHRISTINE PITTMAN, (EVENTS TO BE HELD JUNE 5TH-7TH, 2014. ADDRESS OF EVENTS: ALAN HAMEL AVENUE BETWEEN UNION AVENUE & SANTA FE AVENUE; MAIN STREET BETWEEN RICHMOND AVENUE & D STREET; RICHMOND AVENUE BETWEEN MAIN STREET & ALLEY, AND THE RIVERWALK AREA IN BETWEEN)**

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

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

New owner Adolph Padula, 4202 St. Andrews Drive was sworn in and answered questions from the Board. The moral character of Mr. Padula was satisfactory to the Board. Mr. Padula explained he currently holds a liquor license in the same building as this one and he has never had a violation. Mr. Padula stated the only other officer in this applying entity is his son and there are no silent partners. They will employ approximately 6 employees. They will conduct background checks on their employees. Mr. Padula described approved forms of identification and explained their policy for checking the age of their patrons is to check their I.D. if they look under the age of 35-40. Mr. Padula stated they will attend a Seller/Server Training course.

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

Due to the fact no petitions had been circulated, this matter was continued to April 2, 2014. The Board also explained to Mr. Padula that the completed Routing Sheet would also need to be submitted.

Mr. Pullaro, seconded by Mr. Ferris, moved to continue this matter to April 2nd, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

6 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– THE BAILEY & DANAHER COMPANY, LLC D/B/A THE CARRIAGE HOUSE RESTAURANT, 406 W. 15TH STREET (CONTINUED FROM MARCH 5TH, 2014)

New owners John P. Bailey and Janet Ruiz-Bailey, both of 1102 E. 7th Street were sworn in. The Board first questioned Mrs. Bailey. The moral character of Mrs. Bailey was satisfactory to the Board. Mrs. Bailey stated she previously worked in a liquor-licensed establishment and while she was employed at this establishment, the license was never suspended, revoked or otherwise reprimanded for violation of any liquor licensing statute or regulation. There are no silent partners or financial backers not disclosed in her application. Mrs. Bailey explained when they first formed their LLC, there were two other partners, but those partners are no longer a part of this entity. Mrs. Bailey explained they used personal funds to enter into possession of the premises. They presently employ 10 employees and these employees do not have a criminal history. They will conduct background checks on their employees. Mrs. Bailey described approved forms of identification and explained their policy for checking the age of their patrons is to check everyone's I.D. regardless of age. Mrs. Bailey stated they will attend a Seller/Server Training course.

The Board then questioned Mr. Bailey. The moral character of Mr. Bailey was satisfactory to the Board. Mr. Bailey stated there are no silent partners or financial backers not disclosed in his application. Mr. Bailey explained they used private funds to enter into possession of the premises. They will employ 10-15 employees and these employees do not have a criminal history to his knowledge. They will conduct background checks on their on their employees. Mr. Bailey described approved forms of identification and explained their policy for checking the age of their patrons is to check everyone's I.D. regardless of age. Mr. Bailey stated they are planning on attending a Seller/Server Training course.

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

REGULAR AGENDA (CONTINUED)

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The Board then reviewed the petitions which were previously distributed to the Board. The circulated petitions will be entered into the record and were collectively marked as *Exhibit 1*.

Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions.

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

Ms. Macchietto read the proposed Findings and Order for the Board's consideration which indicates that the issuance of this license is supported by at least 32 businesses and 95 residents of the neighborhood or other parties in interest and there were none in opposition.

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

7 HEARING: NEW TAVERN LIQUOR LICENSE–J MICHAEL'S, LLC D/B/A JMICHAEL'S UNION AVENUE PUB, 325 S. UNION AVENUE (CONTINUED FROM MARCH 5TH, 2014)

New owner Gerald Mauro, 121 Starlite Drive was sworn in and answered questions from the Board. The moral character of Mr. Mauro was satisfactory to the Board. Mr. Mauro stated he previously held/owned a couple of liquor-licensed establishments and those licenses were never suspended, revoked or otherwise reprimanded for violation of any liquor licensing statute or regulation. There are no silent partners or financial backers not disclosed in his application. Mr. Mauro explained he used personal funds to enter into possession of the premises. Mr. Mauro's business partner, Janna Elwell, has never pled guilty to or been convicted of a crime. They will employ 16-20 employees and these employees do not have a criminal history. They will conduct background checks on their on their employees. Mr. Mauro described approved forms of identification and explained their policy for checking the age of their patrons will be to ask for an I.D. if the customer looks to be under the age of 35. Mr. Mauro stated they currently have a Seller/Server Training course scheduled for March 30th, 2014.

Also sworn in was Dan Corsentino, 301 N. Main Street. Mr. Corsentino's company was responsible for circulating the petitions for this applying entity.

The Board then reviewed the petitions which were previously distributed to the Board. The circulated petitions will be entered into the record and were collectively marked as *Exhibit 1*.

Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions. The Board also explained to Mr. Mauro that his completed Routing Sheet still needed to be submitted and also the FBI fingerprint report on Ms. Elwell needed to be obtained.

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

Mr. DiFatta, seconded by Mr. Ferris, moved to amend his earlier motion and to approve this license contingent on receipt of a completed Routing Sheet and receipt of a consistent record check on Ms. Elwell. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

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Ms. Macchietto read the proposed Findings and Order for the Board's consideration which indicates that the issuance of this license is supported by at least 84 businesses and opposed by 2 businesses and is supported by at least 134 residents of the neighborhood or other parties in interest and opposed by at least 6 residents of the neighborhood or other parties in interest.

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

8 HEARING: NEW CABARET LICENSE–J MICHAEL'S, LLC D/B/A JMICHAEL'S UNION AVENUE PUB, 325 S. UNION AVENUE (CONTINUED FROM MARCH 5TH, 2014)

Mr. Mauro and Mr. Corsentino were still present on behalf of this item.

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

Mr. DiFatta, seconded by Mr. Rose moved to approve this license with the same conditions of the previous item. (Item #7) Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration which indicates that the issuance of this license is supported by at least 84 businesses and opposed by 2 businesses and is supported by at least 134 residents of the neighborhood or other parties in interest and opposed by at least 6 residents of the neighborhood or other parties in interest.

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

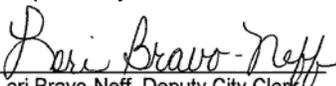
Mr. Corsentino was allowed to briefly review the petitioning process they performed on behalf of this applicant.

9 COMMUNICATION FROM DEPUTY CITY CLERK LORI BRAVO-NEFF, CITY OF PUEBLO CITY CLERK'S OFFICE RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- BROKEN DOLLAR, INC. D/B/A BROKEN DOLLAR, 2301 LAKE AVENUE (CONTINUED FROM FEBRUARY 19, 2014 TO ALLOW LICENSEE TIME TO RESOLVE THIS ISSUE)

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

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,


Lori Bravo-Neff, Deputy City Clerk
City Clerk's Office