

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

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

**ROLL CALL**

Present: Board Members Don DiFatta, Mike Ferris, Doris Harrison, Charles Pullaro, Jr. and Tom Rose. Also Present—Assistant City Attorney Lisa Macchietto and Deputy City Clerk Lori Bravo-Neff.

**APPROVAL OF MINUTES**

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of October 15<sup>th</sup>, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**AMENDMENTS TO CONSENT AND REGULAR AGENDA**

Mr. DiFatta, seconded by Mr. Rose, moved to remove Item #10 from the Consent Agenda and move Item #17 to the beginning of the Regular Agenda. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**CONSENT AGENDA**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**  
Elva Ericka Aleman d/b/a Delicias Tamales Y Taqueria, 206 W. Northern Avenue  
Rojas & Rojas, LLC d/b/a Garlic & Onions Mexican Grill, 4333 Thatcher Avenue  
The Noodle Shop, Co.-Colorado, Inc. d/b/a Noodles & Company, 825 W. US Highway 50  
Shorty's Backyard, LLC d/b/a Shorty's Main St. Grille, 727 N. Main Street
- 2 TAVERN LIQUOR LICENSE APPLICATION-RENEWAL-COSMO BOB'S LLC D/B/A COSMOPOLITAN CLUB, 311-315 BAYSTATE AVENUE**
- 3 3.2% BEER LICENSE APPLICATION-RENEWALS-OFF-PREMISES CONSUMPTION-TOTAL OF 6 RENEWALS**  
Mini Mart, Inc. d/b/a Loaf 'N Jug #86, 2810 Troy Avenue  
Mini Mart, Inc. d/b/a Loaf 'N Jug #87, 4125 W. Northern Avenue  
7-Eleven, Inc. d/b/a 7-Eleven Store #17127, 905 W. Northern Avenue  
Safeway Stores 46, Inc., d/b/a Safeway Store #3714, 617 W. 29<sup>th</sup> Street  
Safeway Stores 46, Inc., d/b/a Safeway Store #3715, 1322 E. 8<sup>th</sup> Street  
Safeway Stores 46, Inc., d/b/a Safeway Store #3729, 1231 S. Prairie Avenue
- 4 BEER AND WINE LIQUOR LICENSE-RENEWAL-PARK FOOD, INC. D/B/A/ MIYAKE JAPANESE RESTAURANT, 4104 OUTLOOK BOULEVARD, SUITE 132D**
- 5 CLUB LIQUOR LICENSE APPLICATION-RENEWAL-FRATERNAL ORDER OF EAGLES D/B/A STEEL CITY AERIE #3367, 704 ELMHURST PLACE**
- 6 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 6 RENEWALS**  
K&D Enterprises, LLC d/b/a Troy Village Liquor, 1732 Constitution Road  
Vintage Wine & Liquors, Inc. d/b/a Double Barrel Wine & Liquor, 1765 S. Pueblo Boulevard  
Big Bear Wine & Liquor, Inc. d/b/a Big Bear Wine & Liquor, 2037 S. Pueblo Boulevard  
Bolsa Investments, Inc. d/b/a Prairie Liquors, 1659 S. Prairie Avenue  
Hancor Investments, Inc. d/b/a J.R.'s Liquor, 721 N. Grand Avenue  
Spanky's Wine & Liquor, LLC d/b/a Spanky's Liquor World, 1415 Hwy. 50 West

**CONSENT AGENDA (CONTINUED)**

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- 7 CABARET LICENSE APPLICATION-RENEWAL-SHORTY'S BACKYARD, LLC D/B/A SHORTY'S MAIN ST. GRILLE, 727 N. MAIN STREET
- 8 ALCOHOL BEVERAGE TASTINGS PERMIT APPLICATION-RENEWAL- BIG BEAR WINE & LIQUOR, INC. D/B/A BIG BEAR WINE & LIQUOR, 2037 S. PUEBLO BOULEVARD
- 9 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – 3.2% BEER LICENSE –SAFEWAY STORE 46, INC. D/B/A SAFEWAY STORE #3729, 1231 S. PRAIRIE AVENUE (NEW MANAGER DAVID WILSON REPLACES BRENDA VELARDE)

Mr. DiFatta, seconded by Mr. Ferris, moved to approve Items 1-9 of the Consent Agenda as read. Roll Call: Ayes—Ferris, Harrison and Rose. Motion carried unanimously.

- 10 NEIGHBORHOOD SURVEY: NEW TAVERN LIQUOR LICENSE– WINE DOWN BY THE RIVER, LTD. D/B/A WINE DOWN BY THE RIVER, 105 S. UNION AVENUE

*Item removed from agenda*

- 11 NEIGHBORHOOD SURVEY: NEW CLUB LIQUOR LICENSE– PUEBLO LODGE NO. 19, LOYAL ORDER OF MOOSE D/B/A PUEBLO LODGE NO. 19, LOYAL ORDER OF MOOSE, 1929 N. NORWOOD AVENUE

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

**REGULAR AGENDA**

- 17 HEARING: NEW CLUB LIQUOR LICENSE– PUEBLO LODGE NO. 19, LOYAL ORDER OF MOOSE D/B/A PUEBLO LODGE NO. 19, LOYAL ORDER OF MOOSE, 1929 N. NORWOOD AVENUE

Ed Martinez, administrator for the Moose Lodge, 2221 S. Prairie Avenue was sworn in. Mr. Martinez was present to request a continuance to the November 19<sup>th</sup>, 2014 Liquor Board meeting.

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

- 12 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO PERFORMING ARTS GUILD, INC. D/B/A PUEBLO ARTS ALLIANCE, MAILING ADDRESS: P.O. BOX 1480, PUEBLO, CO (EVENT TO BE HELD NOVEMBER 7<sup>TH</sup>, 2014. ADDRESS OF EVENT: 301 N. UNION AVENUE)

New event manager Susan Fries, 316 Harrison Street, was sworn in and answered questions from the Board. This application has been made for the *First Friday Art Walk, Backstage Pass*. Ms. Fries stated

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the monies raised at the event will be used for programs for Pueblo Arts Alliance and Pueblo Creative Corridor. Ms. Fries and another member of their board will be responsible for supervising the event. There is one liquor distribution point and there will be 2 persons selling/serving liquor. Ms. Fries described the types of food they will have available and explained their policy for checking the age of their patrons will be to check identification at the only point of entry. Adults who are 21 & over will receive a colored wristband and only guests who have a wristband will be allowed to purchase alcohol. Ms. Fries stated, in addition to herself, 2 security guards from TNT Security will be hired to maintain order on the licensed premises. Alcohol will not be allowed off the licensed premises. The premises are secured as there is only one point of entry/exit and security guards will be posted at this door.

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

**13 PERMIT APPLICATION AND REPORT OF CHANGES-MODIFICATION OF PREMISES—  
HOTEL & RESTAURANT LIQUOR LICENSE- VANZANDT, LLC D/B/A TONI & JOE'S  
PIZZERIA, 2039 COLUMBIA DRIVE**

Owner Jeremy VanZandt, 5103 Aramis, was sworn in and answered questions from the Board. Mr. VanZandt explained they are adding an enclosed patio, with additional seating surrounding the enclosed patio at the front of the building. They are also adding an outdoor volleyball court which will be contained by an approximately 6'-10' sport-mesh fence. Mr. VanZandt stated at the rear of the building, they are adding an outdoor patio which measures approximately 27' x 13'. The Board asked for clarification on the fencing of the perimeter which Mr. VanZandt fully explained and is fully detailed in the diagram submitted with the application.

Mr. Pullaro, seconded by Mr. Rose, moved to approve this modification of premises contingent on a completed Routing Sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**14 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR  
LICENSE: CIRCLE, INC. D/B/A CIRCLE TAVERN, 405 E. NORTHERN AVENUE (NEW  
PRESIDENT RAE ANN GONZALES REPLACES IDA CASTRO; NEW POSITION: VICE-  
PRESIDENT BRANDON GONZALES; SECRETARY MICHAEL A. CASTRO-NO CHANGE)**

New president Rae Ann Gonzales, 1501 Palmer and new vice-president, Brandon P. Gonzales, 1501 Palmer were sworn in and answered questions from the Board. The moral character of Ms. Gonzales was satisfactory to the Board. Mr. Gonzales explained he was charged with domestic violence which occurred 5 years ago at his home in Pueblo. He received a deferred sentence and completed a court-ordered class. Both Ms. Gonzales and Mr. Gonzales have previously worked at this establishment during the time Ms. Gonzales' mother, Ida Castro, held the liquor license. They have never received a suspension nor have they been reprimanded for violating any liquor licensing statute or regulation. There are no silent partners not disclosed in their application. Ms. Gonzales explained she has worked at this establishment for years and did not have to spend any money, other than licensing fees, to enter into possession of the premises. Mr. Gonzales stated the same thing, explaining this has been a family-run business for many years. They will employ 5 employees and these employees do not have a criminal background; they do not run background investigations on their potential employees. Both officers described approved forms of identification and explained their policy for checking the age of their patrons is to check everyone's I.D. at the front door. Ms. Gonzales and Mr. Gonzales stated they

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are in the process of arranging training and education related to the Colorado Liquor Code. Mr. Rose strongly encouraged them to see this through.

Mr. Rose, seconded by Mr. Pullaro, moved to approve this Change of Corporate Structure. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**15 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE– J AND CD, INC. D/B/A EASTSIDE TAVERN, 721 E. 7<sup>TH</sup> STREET (NEW MANAGER WENDY J. HALL REPLACES MICHAEL J. VALDEZ)**

Mr. DiFatta, seconded by Mr. Ferris, moved to continue this matter to December 3<sup>rd</sup>, 2014 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**16 HEARING: NEW TAVERN LIQUOR LICENSE– WINE DOWN BY THE RIVER, LTD. D/B/A WINE DOWN BY THE RIVER, 105 S. UNION AVENUE**

New owners Louie Rivera, 1700 Bassett St. #1013, Denver, CO; Betty Jo Velarde, 4595 E. Hindsdale Place, Centennial, CO; and Michael Velarde, 31 Altadena Drive, Pueblo, CO were sworn in and answered questions from the Board.

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

The moral character of Ms. Velarde was satisfactory to the Board. She has never held or worked in or for a liquor-licensed establishment. There are no silent partners not disclosed in their application. Ms. Velarde explained that her investment in the business consisted of supplying the furniture for the establishment as well as her knowledge of wine. Ms. Velarde stated they will employ 2-3 employees to start with, and they will conduct background checks on potential employees. Ms. Velarde described approved forms of identification. She stated she is scheduled to attend a TIPS training program.

The Board then questioned Mr. Rivera. Mr. Rivera stated he took a plea of DWAI while he was in college in 1991 and received probation and was required to receive education. He previously worked as a server in a bar and at a restaurant. There were never any violations at these establishments. There are no silent partners not disclosed in their application. Mr. Rivera stated he used personal savings to enter into possession of the premises. They will employ 2-3 employees to start with, and they will conduct background checks on potential employees. Mr. Rivera described approved forms of identification. He stated he is TIPS certified and they will also require their employees to get TIPS trained.

The Board next questioned Mr. Velarde. Mr. Velarde stated he had an issuance of a back check charge in the 90's and he was required to attend a class and make restitution to the merchant. He has previously worked in a liquor-licensed establishment and there were never any violations at this establishment. There are no silent partners not disclosed in their application. Mr. Velarde stated he used personal savings and "sweat-equity" to enter into possession of the premises. They will employ 2-3 employees as stated, and they will conduct background checks on potential employees. Mr. Velarde described approved forms of identification. He stated he attended the City/State Liquor Awareness Class and they are scheduled for an on-premises training session through TIPS Colorado. When questioned further about his criminal history from the Board, Mr. Velarde stated he did receive a deferred sentence for DWAI in 2005 and attended a court-ordered class. He was further questioned

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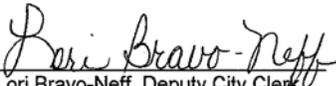
about a theft charge from 2010, in which he took a plea for, however Mr. Velarde did not recall a theft charge. Mr. Velarde stated he will definitely get court records to further look into this charge to determine what this was about. Mr. Ferris stated the Board could continue this matter in order to resolve this issue.

The Board then reviewed the petitions which were previously distributed to the Board. Mr. Ferris stated he was concerned with the low sampling of residents' signatures obtained by the applicant. Mr. DiFatta acknowledged the challenges an applicant faces when circulating petitions to residents within this area as a lot of the residential areas are inaccessible to applicants. Mr. DiFatta further stated he felt the applicant made contact with approximately 211 residents when circulating their petitions which he stated showed the applicant had put forth a good effort. A brief discussion ensued regarding the diagram of the licensed premises and Chairwoman Harrison asked for the diagram to be redrawn so that it is on one page. Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions. The applicant requested that the petitions be admitted into the record and were marked as Exhibit A. The hearing was then closed.

Mr. Ferris, seconded by Mr. DiFatta, moved to continue this matter to November 19<sup>th</sup>, 2014 for receipt of additional evidence regarding Michael Velarde's arrest record. 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 7:25 p.m.

Respectfully submitted,

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