

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
MAY 6, 2015 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of May 6, 2015 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

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

APPROVAL OF MINUTES

Mr. Pullaro, seconded by Mr. Rose, moved to approve the minutes of the Regular Meeting of April 1st, 2015 and April 15th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

AMENDMENTS TO CONSENT AGENDA

Mr. Pullaro, seconded by Mr. Rose, moved to remove **Item #2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWAL Christopher Rodriguez d/b/a Sharky's Bar** from the Consent Agenda and place at the end of the **Regular agenda**. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**
Graham's Grill, LLC d/b/a Graham's Grill, 115 E. Riverwalk, Unit 100
Rojas, Inc. d/b/a Rojas Restaurante Mexicano, 126 E. 4th Street
Brooklyn Pueblo Corp. d/b/a Manhattan's Pizza Parlor And More, 1110 Hwy 50 West
June Food, Inc. d/b/a Momo Japanese Restaurant, 716 N. Santa Fe Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**
East Coast Pizza of Pueblo, LLC d/b/a East Coast Pizza, 1638 & 1640 US Hwy 50
Wrong Note, Ltd. d/b/a The Downtown Bar, 103 Central Plaza
Christopher Rodriguez d/b/a Sharky's Bar, 1549 E. Evans Avenue (Renewal moved to end of Regular agenda)
- 3 3.2% BEER LICENSE APPLICATION- CONSUMPTION OFF-PREMISES-RENEWALS TOTAL OF 2 RENEWALS**
CST Metro, LLC d/b/a Diamond Shamrock Corner Store #1171, 430 W. Abriendo Avenue
CST Metro, LLC d/b/a Diamond Shamrock Corner Store #4138, 601 US Hwy 50 West
- 4 3.2% BEER LICENSE APPLICATION-RENEWAL-ON-PREMISES CONSUMPTION-RUNYON SPORTS COMPLEX COMMISSION, INC. D/B/A THE BULLPEN, 400 STANTON AVENUE**
- 5 BEER & WINE LIQUOR LICENSE APPLICATION-RENEWAL-EAT NOW, LLC D/B/A BINGO BURGER, 101 CENTRAL PLAZA, 101 CENTRAL PLAZA**

CONSENT AGENDA (CONTINUED)

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- 6 RETAIL LIQUOR LICENSE APPLICATION--RENEWALS TOTAL OF 2 RENEWALS**
Eastside Wine & Liquor, Inc. d/b/a Eastside Wine & Liquor, Inc., 723 E. 4th Street
Village Wine & Spirits, Inc. d/b/a Village Wine & Spirits, 3037 N. Elizabeth Street
- 7 3.2% BEER LICENSE - CONSUMPTION OFF-PREMISES: PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME CST METRO, LLC D/B/A DIAMOND SHAMROCK #1171 (NEW TRADE NAME: DIAMOND SHAMROCK CORNER STORE # 1171)**
- 8 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE--THE STATE HISTORICAL SOCIETY OF COLORADO INC. D/B/A EL PUEBLO HISTORY MUSEUM, EVENT MANAGER: SIMON TEARPAK, (EVENT TO BE HELD MAY 16, 2015, ADDRESS OF EVENT: 301 N. UNION AVENUE)**
- 9 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE--THE BISHOP OF PUEBLO, A CORPORATION SOLE D/B/A OUR LADY OF MT. CARMEL CATHOLIC CHURCH, MAILING ADDRESS: 421 CLARK STREET, EVENT MANAGER: RONALD MARTINEZ, (EVENTS TO BE HELD JULY 18TH-19TH, 2015. ADDRESS OF EVENTS 400 BLOCK ON CLARK STREET)**
- 10 SPECIAL EVENTS PERMIT APPLICATION-FERMENTED MALT BEVERAGE LICENSE--BANDIT SPORTS, INC., MAILING ADDRESS: 1311 PALMER AVENUE, EVENT MANAGER: JOSEPH C. SANTOS, (EVENTS TO BE HELD MAY 22ND-25TH, 2015. ADDRESS OF EVENTS: 800 W. NORTHERN AVENUE, JOE SANTOS FIELD AT BESSEMER PARK)**
- 11 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE--LA GENTE YOUTH SPORTS, INC., MAILING ADDRESS: 2804 E. 12TH STREET, EVENT MANAGER: ZACHARY VALDEZ, (EVENTS TO BE HELD MAY 8TH-10TH, 2015. ADDRESS OF EVENTS: 1200 JUAN MADRID AVENUE)**
- 12 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE--PUEBLO CHAMBER OF COMMERCE, MAILING ADDRESS: 302 N. SANTA FE AVENUE, EVENT MANAGER: ROD SLYHOFF, (EVENTS TO BE HELD MAY 15TH - 18TH, 2014. ADDRESS OF EVENTS: 1ST & UNION TO B STREET & UNION, C&D STREETS FROM VICTORIA TO S. MAIN, 1ST & GRAND TO S. MAIN, CITY PARKING LOT BETWEEN MEMORIAL HALL & ANGELO'S, URBAN RENEWAL PARKING LOT ALONG S. MAIN TO ALAN HAMEL AND UNION AVENUE INCLUDING SRDA AND THE CONVENTION CENTER OVERFLOW LOT BETWEEN S. MAIN & UNION AVENUE)**
- 13 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION--TAVERN LIQUOR LICENSE--FJM, LLC, D/B/A FIRST & MAIN BAR AND GRILL, 117 N. MAIN STREET, (CURRENTLY LICENSED TO FIRST AND MAIN BAR & GRILL, LLC D/B/A FIRST AND MAIN BAR & GRILL, LICENSE EXPIRES APRIL 16, 2015)**

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

REGULAR AGENDA

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14 NEIGHBORHOOD SURVEY: CABARET LICENSE– 7TH STREET STATION, LLC D/B/A 7TH STREET STATION, 112 W. 7TH STREET

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 cabaret license for premises known as the *7th Street Station*, 112 W. 7th Street.

Mr. Rose, seconded by Mr. Ferris, moved to accept the survey and set the hearing for May 20th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

15 NEIGHBORHOOD SURVEY: CABARET LICENSE– APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET

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 cabaret license for premises known as the *The Grove Tavern*, 901 E. C Street.

Mr. Ferris, seconded by Mr. Rose, moved to accept the survey and set the hearing for May 20th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

16 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– BESSEMER HISTORICAL SOCIETY, INC., D/B/A STEELWORKS CENTER, EVENT MANAGER: CHRISTINA HANEY, (EVENT TO BE HELD MAY 15TH, 2015, ADDRESS OF EVENT: 215 CANAL STREET)

Event Manager Cristina Haney, 420 W. 21st was sworn in and answered questions from the Board. Ms. Haney stated she is the event manager and explained their organization is hosting an exhibit “The Way We Worked” from the Smithsonian Institute to raise funds to support the operations of the organization. Ms. Haney discussed with the board the diagram for the Liquor Licensed premise. Ms. Haney acknowledged food will be served and described approved forms of identification. Ms. Haney stated Executive Director, Tim Hawkins and 6 members of their board of directors will be responsible for maintaining order on the licensed premises that is secured with monitored exits. Patrons appearing under 40 years of age wishing to purchase alcohol will have Identifications checked.

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

17 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—TAVERN LIQUOR LICENSE- WINE DOWN BY THE RIVER, LTD. D/B/A WINE DOWN BY THE RIVER, 105 S. UNION AVENUE (REQUESTING TEMPORARY MODIFICATION TO BEGIN ON MAY 15TH, 2015 THROUGH MAY 18TH, 2015)

Member Michael Velarde, 31 Altadema Drive was sworn in and described the proposed (temporary) modification of premises to the Board. Mr. Velarde will be adding a temporary outdoor service area for the Wild Wild Fest. Mr. Velarde explained the diagram of the proposed area that will be enclosed using snow fence.

REGULAR AGENDA (CONTINUED)

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(17 Continued)

The Board cautioned Mr. Velarde that the sidewalk is not licensed and is not to be used as a public drinking area only servers may cross the sidewalk with alcohol.

Mr. Rose, seconded by Mr. Ferris, moved to approve the modification of premises. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

18 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE- J MICHAEL'S, LLC D/B/A JMICHAEL'S UNION AVENUE PUB, 325 S. UNION AVENUE, (NEW MANAGER JULIE BAYCI REPLACES GERALD MAURO)

New Manager Julie Bayci, 1220 Longwood was sworn in. The moral character questions were answered by Ms. Bayci. Ms. Bayci explained she has DUI's on her police record, fulfilled all obligations and does not currently have anything pending. She declared she has worked in an liquor-licensed establishment and described approved forms of identification Ms. Bayci stated she is TIPS certified and stated all of their employees are required to be certified through a TIPS training program immediately following hiring.

Mr. Ferris, seconded by Mr. Rose, moved to approve this change of manager. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

19 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-HOTEL & RESTAURANT LIQUOR LICENSE-NEW VISION HOSPITALITY, LLC D/B/A CLARION HOTEL, 4001 N. ELIZABETH STREET (NEW MANAGER LANA CHERIE PEARSON REPLACES ANGELA QUINTANA)

New Manager Lana Cherie Pearson, 2604 Weir Avenue, Colorado Springs was sworn in. Ms. Pearson answered moral character questions from the Board. Ms. Pearson described approved forms of identification and checking of identification procedures. Ms. Bayci stated she is TIPS certified and stated all of their employees are required to be certified through a TIPS training program immediately following hiring.

Mr. Pullaro, seconded by Mr. Ferris, moved to approve this change of manager. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

20 PETITION TO PAY FINE IN LIEU OF SUSPENSION RICHARD R. GONZALES D/B/A PIXIE INN, 440 S. SANTA FE AVENUE, (LICENSEE PETITIONING TO PAY \$400.00 FINE IN LIEU OF 2-DAYS SUSPENSION) CONTINUED FROM APRIL 1ST AND APRIL 15TH, 2015

Assistant City Attorney/Conflicts Counsel, Carla Sikes appeared before the Board to present the Liquor Board's requested audit of Pixie Inn Sales and Use Tax returns for the six month period determining the amount of fine in lieu of suspension. Ms. Sikes reviewed the figures from the audit and stated the reported business sales were inadequately reported and actual gross sales were approximately 500% underreported on average. Based upon the audited figures, Ms. Sikes stated the City of Pueblo recommends denial of the petition to pay fine in lieu of suspension and immediately invoke a suspension of two (2) days. The Sales Tax Division conducted a complete audit for the time period of October 2013 to February 2015 and found returns insufficiently reported.

REGULAR AGENDA (CONTINUED)

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(20 Continued)

Additionally, licensee has purchased more than \$2000 in alcohol from an outside approved wholesaler in violation of CRS 12-47-412(2). Finally, the audit indicated the licensee in violation of CRS 12-47-412(1) failed to provide sandwiches or other light snacks during business hours. The City of Pueblo Sales and Use Tax Division will be submitting a written complaint to the Liquor Board on the subject of their findings and asking for revocation of the license in regards to the moral character of the Licensee, Richard Gonzales d/b/a Pixie Inn. For the record Mr. Gonzales did not appear.

Mr. Rose, seconded by Mr. Ferris, moved to disapprove the petition to pay the fine in lieu of active suspension and impose the suspension of two days. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Rose, seconded by Mr. Ferris, moved to impose the suspension of two days beginning May 15, 2015 at 5:00pm and ending May 17, 2015 at 5:00pm. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

21 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET (POLICE CASE REPORT #15-4756, VIOLATION DATE: MARCH 10TH, 2015)

Owner Eric Apodaca, 1820 E. Orman Avenue was sworn in. Assistant City Attorney/Conflicts Counsel, Carla Sikes stated the City and Apollo Investments, LLC had reached a stipulation and read the proposed *Stipulated Findings and Order* into the record. The licensee stipulated and admitted that he was in violation of CRS 12-47-910 (1 CCR 203-2) consumption during prohibited hours on a licensed premises. Licensee admitted to reaching a March 18, 2015 stipulated agreement for two violations of operating a cabaret without the proper license. The licensee acknowledged that the March 18, 2015 Stipulation Agreement imposed a suspension of its liquor license for a period of 5-days, 2 days of which shall be held in abeyance for a period of one calendar year from the date of the agreement. Based upon these admissions, the licensee stipulated and agreed to a 7 day suspension of its liquor license that reflects a period of 5-days for the current violation and the 2-days held in abeyance from the March 18th, Stipulated Agreement. The suspension shall be served beginning May 15, 2015 at 5:00pm and ending May 22, 2015 at 5:00pm. Licensee stated he would not apply for a fine in lieu of suspension. For the record no one appeared in opposition for the hearing.

Mr. Ferris, seconded by Mr. Rose, moved to approve the stipulation agreement as amended stating the violation occurred on March 10, 2015 not March 17, 2015 as read.

22 HEARING RE: ALLEGED LIQUOR CODE VIOLATIONS-TAVERN LIQUOR LICENSE-CHRISTOPHER RODRIGUEZ D/B/A SHARKY'S BAR, 1549 E. EVANS AVENUE (POLICE CR#'S: 14-16034, 14-23078, 15-2140 AND 15-4193) CONTINUED FROM MARCH 4TH, 2015

Assistant City Attorney Carla Sikes stated this hearing was to be asked for a continuance to a Special Meeting dated May 15, 2015. Scheduling dates have a conflict and a new Special Meeting date needs to be considered. After discussion, the Board considered May 27, 2015.

REGULAR AGENDA (CONTINUED)

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(22 Continued)

Mr. Pullaro, seconded by Mr. Ferris, moved to continue the hearing date to May 27, 2015, 9:00am. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWAL

Christopher Rodriguez d/b/a Sharky's Bar, 1549 E. Evans Avenue

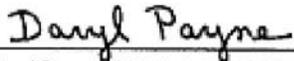
Mr. Rose, seconded by Mr. Ferris, moved to continue this renewal application to May 27, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

OTHER BUSINESS

Citizen Clara Ybarra, 1544 E. Routt stated she was present as a follow-up to the renewal for Christopher Rodriguez d/b/a Sharky's Bar. Ms Ybarra asked the expiration date of the Tavern Liquor License. She also inquired of the date in which the application was submitted. The Expiration date is May 11, 2015 and the application was received on April 9, 2015. Ms. Ybarra was asked to contact Assistant City Attorney, Carla Sikes, for any other questions pertaining to this matter.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,



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