

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
FEBRUARY 17, 2016 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of February 17, 2016 at 6:00 p.m. with Chairwoman Doris Harrison presiding.

ROLL CALL

Present: Board Members Doris Harrison, Charles Pullaro, and Tom Rose.

Absent: Board Member Don DiFatta and Mike Ferris.

Also Present: Assistant City Attorney Lisa Macchietto and Deputy City Clerk Brenda Armijo.

APPROVAL OF MINUTES

Mr. Pullaro, seconded by Mr. Rose, moved to dispense with the reading and approve the Minutes of the Regular Meeting of February 3, 2016. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION – RENEWALS – TWO RENEWALS**
Stetell Enterprises, Inc. d/b/a Spectators East Sports Grill, 1002 Constitution Road
Apple Colorado LLC d/b/a Applebee's Neighborhood Grill & Bar, 3428 N. Elizabeth Street
- 2 TAVERN LIQUOR LICENSE APPLICATION – RENEWAL – ONE RENEWAL**
Edward P. Sena d/b/a Sena's Buffalo Bar, 414 W. Northern Avenue
- 3 BEER AND WINE LIQUOR LICENSE APPLICATION – RENEWAL – ONE RENEWAL**
Blue Ocean Japanese Restaurant Inc. d/b/a Blue Ocean Japanese Restaurant, 103 S. Union Avenue, #110

Mr. Pullaro, seconded by Mr. Rose, moved to approve the Consent Agenda as read. Roll Call: Ayes – Harrison, Pullaro, and Rose. Motion carried 3-0.

REGULAR AGENDA

- 4 ORDER TO SHOW CAUSE AND HEARING: NEW CABARET LICENSE – WINE DOWN BY THE RIVER, LTD. D/B/A WINE DOWN BY THE RIVER, 105 S. UNION AVENUE CONTINUED FROM SEPTEMBER 16, 2015, OCTOBER 7, 2015, NOVEMBER 4, 2015, DECEMBER 2, 2015, JANUARY 20, 2016, AND FEBRUARY 3, 2016**

The applicant did not appear.

The City Clerk's office has not yet received the Return Receipt or the unclaimed Order to Show Cause from the Post Office.

Mr. Rose, seconded by Mr. Ferris, moved to continue this matter to the March 2, 2016 hearing. Roll Call – Ayes: Harrison, Pullaro, and Rose. Motion carried 3-0.

5 HEARING: NEW 3.2% BEER LICENSE – OFF PREMISE CONSUMPTION – WAL-MART STORES, INC. D/B/A WALMART #5828 FUEL, 2732 S. PRAIRIE AVENUE

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

Adam Stapen, Dill Carr Stonbraker & Hutchings, P.C., 455 Sherman Street, Suite 300 Denver, entered his appearance on behalf of Walmart Stores, Inc. Richard Belarde, Manager for Walmart, 3027 Franklin Avenue, Pueblo and Max Scott, Oedipus, Inc., P.O. Box 1012, Lafayette were sworn in.

Mr. Belarde described approved forms of identification and explained the policy for checking the age of patrons.

Mr. Scott testified as to the petitioning process conducted by Oedipus, Inc. and its findings. The Board reviewed the petitions, which were previously distributed. Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions. The Board expressed disappointment that the petitions were a random sampling of interested parties versus a complete survey of the designated area.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the new 3.2% Beer License – Off Premise Consumption – Wal-Mart Stores, Inc. d/b/a Walmart #5828 Fuel contingent upon submission of a fully executed routing sheet. Roll Call – Ayes: Harrison, Pullaro, and Rose. Motion carried 3-0.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the Findings and Order as read. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

6 HEARING: NEW 3.2% BEER LICENSE – ON AND OFF PREMISE CONSUMPTION – WAL-MART STORES, INC. D/B/A WALMART MARKET #5828, 2730 S. PRAIRIE AVENUE

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

The witnesses remain under oath. Administrative Notice was taken of the testimony given in the previous item.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the new 3.2% Beer License – On and Off Premise Consumption – Wal-Mart Stores, Inc. d/b/a Walmart Market #5828 contingent upon submission of a fully executed routing sheet. Roll Call – Ayes: Harrison, Pullaro, and Rose. Motion carried 3-0.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the Findings and Order as read. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

7 COMMUNICATION FROM LUIS VELEZ, CHIEF OF POLICE, RE: ALLEGED LIQUOR CODE VIOLATION – J & C D, INC. D/B/A GIL'S WESTSIDE TAVERN, 2202 WEST 16TH STREET (POLICE CR#16-002139, VIOLATION DATE: JANUARY 30, 2016)

LIQUOR & BEER LICENSING BOARD MINUTES
February 17, 2016 – Page 3

Corporate Officer Wendy Hall, 2323 Meadowlark Lane, Pueblo and Charles Hall, 2323 Meadowlark Lane, Pueblo were sworn in. Assistant City Attorney Carla Sikes representing the Police Department was also present.

Assistant City Attorney, Carla Sikes stated that a Stipulated Findings and Order had been reached in this matter and read the document into the record.

The Licensee stipulates and agrees to a suspension of its liquor license for a period of ten (10) days, of which five (5) days shall be imposed. The remaining five (5) days of the suspension shall be held in abeyance for a period of one (1) calendar year from the date of the Order. The suspension will be served on Friday, March 11, 2016 beginning at 5:00 p.m. through March 16, 2016 at 5:00 p.m. The licensee may apply to pay a fine in lieu of suspension.

Mr. Rose, seconded by Mr. Pullaro, moved to accept the Stipulated Findings and Order as proposed. Roll Call – Ayes: Harrison, Pullaro, and Rose. Motion carried 3-0.

8 HEARING: TRANSFER OF OWNERSHIP APPLICATION – TAVERN LIQUOR LICENSE – J & C D, INC. D/B/A GIL'S WESTSIDE TAVERN, 2202 W. 16TH STREET (CURRENTLY LICENSED TO MARY MADELYN GIFFORD D/B/A GIL'S WESTSIDE TAVERN, LICENSE EXPIRES DECEMBER 29, 2015) CONTINUED FROM JANUARY 20, 2016 AND FEBRUARY 3, 2016

Wendy Hall and Charles Hall remain under oath.

Mr. Rose, seconded by Ms. Harrison, moved to reopen the hearing for the transfer of ownership application. Roll Call – Ayes: Harrison, Pullaro, and Rose. Motion carried 3-0.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the Transfer of Ownership application – Tavern Liquor License J & C D, Inc. d/b/a Gil's Westside Tavern. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the Findings and Order as read. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

9 HEARING: NEW CABARET LICENSE – J & C D, INC. D/B/A GIL'S WESTSIDE TAVERN, 2202 W. 16TH STREET CONTINUED FROM JANUARY 20, 2016 AND FEBRUARY 3, 2016

Wendy Hall and Charles Hall remain under oath.

Mr. Rose, seconded by Mr. Pullaro, moved to reopen the hearing for the new Cabaret License application. Roll Call – Ayes: Harrison, Pullaro, and Rose. Motion carried 3-0.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the new Cabaret License Application – J & C D, Inc. d/b/a Gil's Westside Tavern. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the Findings and Order as read. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

10 COMMUNICATION FROM LUIS VELEZ, CHIEF OF POLICE, RE: ALLEGED LIQUOR CODE VIOLATION – RIVERSIDE BAR & GRILL, LLC D/B/A RIVERSIDE BAR OF PUEBLO, 4021 JERRY MURPHY ROAD (POLICE CR#16-000398, VIOLATION DATE: JANUARY 7, 2016)

Managing Member Stephanie Spinuzzi, 1915 Elizabeth Street, Pueblo and Susan Fudge, 3105 San Isabel Avenue, Pueblo were sworn in.

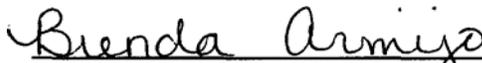
Mr. Pullaro, seconded by Mr. Rose, moved to receive the communication, find there is probable cause supporting the violation, and set this matter for hearing on March 16, 2016. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

11 COMMUNICATION FROM LUIS VELEZ, CHIEF OF POLICE, RE: ALLEGED LIQUOR CODE VIOLATION – WILD WINGS USA, LLC D/B/A THE DRAFT SPORTS BAR & GRILL, 4065 CLUB MANOR DRIVE (POLICE CR#16-002075, VIOLATION DATE: JANUARY 24, 2016)

Mr. Rose, seconded by Mr. Pullaro, moved to receive the communication, find there is probable cause supporting the violation, and set this matter for hearing on March 16, 2016. Roll Call: Ayes — Harrison, Pullaro, and Rose. Motion carried 3-0.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:18 p.m.

Respectfully submitted,



Brenda Armijo, Deputy City Clerk
City Clerk's Office