

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
APRIL 5, 2017 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of April 5, 2017 at 6:00 p.m. with Chairperson Doris Harrison presiding.

ROLL CALL

Present: Board Members Mike Ferris, Doris Harrison, Charles Pullaro, Jr., Tom Rose, and Jan Shafer.

Absent: None.

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

APPROVAL OF MINUTES

Mr. Ferris, seconded by Ms. Shafer, moved to dispense with the reading and approve the Minutes of the Regular Meeting of March 15, 2017. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

CONSENT AGENDA

1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION – RENEWALS – SIX RENEWALS

Bagabagel & Deli, Inc. d/b/a D.C.'s on B Street, 115 West B Street
C & G T, Inc. d/b/a El Nopal Restaurant, 1435 E. Evans Avenue
Graham's Grill, LLC d/b/a Graham's Grill, 115 E. Riverwalk, Suite 100
Geronimo's Inc. d/b/a Jorge's Sombrero Restaurant, 1319 E. Evans Avenue
June Food Inc. d/b/a Momo Japanese Restaurant, 716 N. Santa Fe Avenue
Tea Palace II Inc. d/b/a Tea Palace II, 1212 W. 4th Street

2 TAVERN LIQUOR LICENSE APPLICATION – RENEWALS – FOUR RENEWALS

Polito, Inc. d/b/a The Beer Barrel, 2113 E. Evans Avenue
FRS, Inc. d/b/a The Hangar, 100 West 23rd Street
Peachee-Lewis, Inc. d/b/a Lakeview Bar, 2330 Lake Avenue
Riverside Bar & Grill of Pueblo, LLC d/b/a Riverside Bar of Pueblo, 4021 Jerry Murphy Road

3 3.2% BEER LICENSE FOR OFF PREMISES CONSUMPTION APPLICATION – RENEWALS – TWO 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 W. US Hwy 50

4 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION – RENEWAL – THREE RENEWALS

Eastside Wine & Liquor, Inc. d/b/a Eastside Wine & Liquor Inc., 723 East 4th Street
Bolsa Investments, Inc. d/b/a Prairie Liquor, 1659 S. Prairie Avenue
Regency Liquor, Inc. d/b/a Regency Liquor, 25 Red Creek Springs Road

Mr. Ferris, seconded by Ms. Shafer, moved to approve the Consent Agenda as read. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

REGULAR AGENDA

MEETING
NUMBER

5 COMMUNICATION FROM ACTING CHIEF OF POLICE MICHAEL L. BENNETT, RE: ALLEGED LIQUOR CODE VIOLATION – 7th STREET STATION, LLC D/B/A 7TH STREET STATION, 112 WEST 7TH STREET. (POLICE CR#17-002936, VIOLATION DATE: FEBRUARY 9, 2017)

Managing Member David Clarke, 425 S. Boros Drive, Pueblo West and Gary Cooper, 276 W. Archer Drive, Pueblo West were sworn in. Assistant City Attorney Trevor Gloss representing the Police Department was also present.

Mr. Gloss read the Stipulated Findings and Order into the record. The Licensee stipulates and agrees to a suspension of its liquor license. The liquor license shall be suspended for a period of seven (7) days, of which one (1) day shall be imposed. The remaining six (6) days suspension shall be held in abeyance for a period of six (6) months from the date of this Order. Licensee and its employees shall attend a class on the liquor code and compliance therewith, within the next three (3) months.

Ms. Shafer, seconded by Mr. Rose, moved to accept the Stipulated Findings and Order as proposed. Roll Call – Ayes: Pullaro. Nays – Ferris, Harrison, Rose, and Shafer. Motion failed 1-4.

Ms. Shafer, seconded by Mr. Rose, moved to receive the communication, find probable cause in support of the violation, and set the matter for hearing on May 3, 2017. Roll Call – Ayes, Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

6 PERMIT APPLICATION & REPORT OF CHANGES – MANAGER’S REGISTRATION (HOTEL & RESTAURANT) — RT DENVER FRANCHISE, LP D/B/A RUBY TUESDAY

New Manager Mark Brehm, 6719 Bismarck Road, Colorado Springs was sworn in and answered questions from the Board. The moral character questions were directed to Mr. Brehm. Currently the local Ruby Tuesday employs 25 – 30 employees. Approved forms of identification were described and examples given by Mr. Brehm. Anyone appearing under age 30 will have their identification checked. If a server is unable to tell if someone is under age 30, then a manager is involved. Employees are shown in-house training videos that teach the basics of approved identification and signs of intoxication. The moral character of Mr. Brehm was found to be satisfactory to the Board.

Mr. Pullaro, seconded by Mr. Rose, moved to approve the Manager’s Registration (Hotel & Restaurant) for RT Denver Franchise, LP d/b/a Ruby Tuesday. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

7 PERMIT APPLICATION & REPORT OF CHANGES – RETAIL WAREHOUSE STORAGE PERMIT – JOY CORPORATION D/B/A PUEBLO BLVD DISCOUNT LIQUOR

Corporate Officer Byung Man Yoo, 4090 Autumn Height Drive, Colorado Springs was sworn in and answered questions from the Board. Mr. Yoo explained that the previous owner had a retail warehouse storage permit for a storage shed located on the liquor store property. Mr. Yoo is continuing to utilize the storage shed and wishes to have a retail warehouse storage permit issued.

REGULAR AGENDA (continued)

**MEETING
NUMBER**

Mr. Rose, seconded by Mr. Ferris, moved to approve the Permit Application and Report of Changes – Retail Warehouse Storage Permit – Joy Corporation d/b/a Pueblo Blvd Discount Liquor. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**8 PERMIT APPLICATION & REPORT OF CHANGES – MODIFICATION OF PREMISES —
BREW PUB LIQUOR LICENSE – BRUES ALEHOUSE BREWING COMPANY INC D/B/A
BRUES ALEHOUSE BREWING COMPANY**

Corporate Officer Marty Garcia, 21 Alta Loma Drive, Pueblo was sworn in and answered questions from the Board. Mr. Garcia would like to modify his premises to include a room located on the second floor of the building. The room is used as a green room by the bands hired to perform at Brues Alehouse. There are two doors located in the room: one door that opens to the outside and one door that opens into the reception area of The Clink. Mr. Garcia was questioned concerning how the door that opens into the reception area of The Clink would be monitored to ensure that customers of Brues Alehouse would not cross into the licensed premises of The Clink. Mr. Garcia indicated that the door to the reception area would be locked when the room is in use.

Mr. Ferris, seconded by Mr. Pullaro, moved to approve the Permit Application & Report of Changes – Modification of Premises – Brew Pub Liquor License – Brues Alehouse Brewing Company Inc. d/b/a Brues Alehouse Brewing Company.

After lengthy discussion, Mr. Ferris, seconded by Mr. Rose, moved to withdraw his previous motion and moved to approve the Permit Application & Report of Changes – Modification of Premises – Brew Pub Liquor License – Brues Alehouse Brewing Company Inc. d/b/a Brues Alehouse Brewing Company contingent upon the northeast door remaining locked from the outside at all times, but being able to be opened from the inside as a fire door. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose and Shafer. Motion carried 5-0.

**9 PERMIT APPLICATION & REPORT OF CHANGES – MODIFICATION OF PREMISES —
TAVERN LIQUOR LICENSE – OLDE TOWNE CARRIAGE HOUSE, LLC D/B/A OLDE
TOWNE CARRIAGE HOUSE**

Member Doug Stout, 110 La Vista Road, Pueblo and Member John Carleo, 446 Dittmer Avenue, Pueblo were sworn in and answered questions from the Board.

The applicants would like to modify their premises to encompass the entire building. Currently only the second floor is licensed. The members would like to ability to set up a portable bar and utilize their staff and security for events held by other tenants of their building. The members have a special use permit issued by the Zoning Board of Appeals that allows the use only on the second floor.

Ms. Shafer, seconded by Mr. Ferris, moved to continue this matter to the May 3, 2017 hearing to allow the applicants time to meet with the Planning Department regarding their special use permit. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

REGULAR AGENDA (continued)

**MEETING
NUMBER**

10 TRANSFER OF OWNERSHIP APPLICATION — HOTEL & RESTAURANT LIQUOR LICENSE: BULLFROG’S BAR & GRILL, LLC D/B/A BULLFROG’S BAR & GRILL, 1725 W. PUEBLO BOULEVARD, (CURRENTLY LICENSED TO MALATA INC. D/B/A FELICE’S PIZZERIA, LICENSE EXPIRES MARCH 7, 2017)

Managing Member Misty Bennett, 2523 4th Avenue, Pueblo was sworn in and answered questions from the Board. No one appeared in opposition to the application. The moral character and financial interest questions were directed to Ms. Bennett. There are no silent partners and funds to open the establishment came from personal savings. Bullfrog’s currently employs three people, but eventually hopes to employ up to 15 people. Ms. Bennett listed approved forms of identification and gave examples. Anyone appearing under age 40 will have their identification checked. All identification will be checked on high volume days such as Friday and Saturday. The moral character of the applicant was found to be satisfactory to the Board.

Mr. Pullaro, seconded by Ms. Shafer, moved to approve the Transfer of Ownership Application – Hotel & Restaurant Liquor License – Bullfrog’s Bar & Grill, LLC d/b/a Bullfrog’s Bar & Grill, 1725 W. Pueblo Boulevard contingent upon receipt of a fully executed routing sheet. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

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

Mr. Pullaro, seconded by Mr. Rose, moved to approve the Findings and Order as read. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

11 TRANSFER OF OWNERSHIP APPLICATION — CABARET LICENSE: BULLFROG’S BAR & GRILL, LLC D/B/A BULLFROG’S BAR & GRILL, 1725 W. PUEBLO BOULEVARD, (CURRENTLY LICENSED TO MALATA INC. D/B/A FELICE’S PIZZERIA, LICENSE EXPIRES MARCH 7, 2017)

Managing Member Misty Bennett, 2523 4th Avenue, Pueblo remains sworn in. Administrative notice was taken by the Board for testimony previously given in this matter. No one appeared in opposition to the application.

Mr. Pullaro, seconded by Mr. Ferris, moved to approve the Transfer of Ownership Application – Cabaret License – Bullfrog’s Bar & Grill, LLC d/b/a Bullfrog’s Bar & Grill, 1725 W. Pueblo Boulevard contingent upon receipt of hotel and restaurant liquor license, which was issued contingent upon the receipt of a fully executed routing sheet. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

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

Mr. Pullaro, seconded by Ms. Shafer, moved to approve the Findings and Order as read. Roll Call: Ayes — Harrison, Ferris, Pullaro, Rose, and Shafer. Motion carried 5-0.

REGULAR AGENDA (continued)

**MEETING
NUMBER**

12 HEARING: NEW LODGING AND ENTERTAINMENT LIQUOR LICENSE – STATION ON THE RIVERWALK, LLC D/B/A THE CLINK, 140 CENTRAL MAIN STREET, SUITE 222 CONTINUED FROM MARCH 15, 2017

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

Managing Member Cheryl Garcia, 931 Riverview Place, Pueblo and Registered Manager Carliann Ward, 2205 Everett Road, Pueblo were sworn in and answered questions from the Board.

The moral character questions were directed to both Ms. Garcia and Ms. Ward individually and the financial interest questions were directed to Ms. Garcia. Neither applicant has served in the military. There are no silent partners. Approved forms of identification were described and examples given. Identification will be checked for all persons appearing under age 30. The establishment will employ approximately 15 people. Background checks are conducted on prospective employees. The applicant has not attended any liquor training yet, but plans to in the near future. The moral character of the applicant was found to be satisfactory to the Board.

Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions. The petitions were admitted into evidence as Exhibit A.

Mr. Rose, seconded by Mr. Ferris, moved to approve the new Lodging and Entertainment Liquor License – Station on the Riverwalk, LLC d/b/a The Clink, 140 Central Main Street, Suite 222 contingent upon receipt of fully executed routing sheet, receipt of an amended lease, and receipt of a fully completed application for a new license with Finance and Sales Tax Department's signatures. Roll Call – Ayes: Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

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

Mr. Rose, seconded by Mr. Ferris, moved to approve the Findings and Order as read. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

13 HEARING: NEW CABARET LICENSE – STATION ON THE RIVERWALK, LLC D/B/A THE CLINK, 140 CENTRAL MAIN STREET, SUITE 222 CONTINUED FROM MARCH 15, 2017

Managing Member Cheryl Garcia, 931 Riverview Place, Pueblo and Registered Manager Carliann Ward, 2205 Everett Road, Pueblo remain sworn in. Administrative notice was taken by the Board for testimony previously given in this matter. No one appeared in opposition to the application.

Mr. Rose, seconded by Mr. Pullaro, moved to approve the new Cabaret License – Station on the Riverwalk, LLC d/b/a The Clink, 140 Central Main Street, Suite 222 contingent upon receipt of lodging & entertainment liquor license, which was issued contingent upon a fully executed routing sheet, receipt of amended lease, and receipt of a fully completed application for a new license with Finance and Sales Tax Department's signatures. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

REGULAR AGENDA (continued)

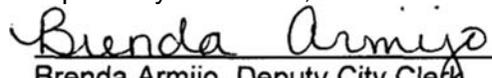
**MEETING
NUMBER**

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

Mr. Rose, seconded by Mr. Ferris, moved to approve the Findings and Order as read. Roll Call: Ayes — Harrison, Ferris, Pullaro, Rose, and Shafer. Motion carried 5-0.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,



Brenda Armijo, Deputy City Clerk
City Clerk's Office