

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

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of September 6, 2017 at 6:00 p.m. with Chairperson Tom Rose presiding.

ROLL CALL

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

Absent: Ashley Sowinski.

Also Present: Assistant City Attorney Lisa Macchietto and Daryl Payne, City Clerk Office.

APPROVAL OF MINUTES

Ms. Shafer, seconded by Ms. Harrison, moved to approve the Minutes of the Regular Meeting of August 16, 2017. Roll Call: Ayes – Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

CONSENT AGENDA

**MEETING
NUMBER**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION – RENEWALS – FOUR RENEWALS**
Bonagent, LLC d/b/a La Forchetta Da Massi, 126 S. Union Avenue
Tone, Inc. d/b/a Mi Ranchito II, 525 S. Pueblo Boulevard
GMRI, Inc. d/b/a The Olive Garden Italian Restaurant, 3240 N. Elizabeth Street
Pinelle’s Bowlero Lanes, Inc. d/b/a Pinelle’s Bowlero Lanes, 1000 West 6th Street
- 2 TAVERN LIQUOR LICENSE APPLICATION – RENEWALS – TWO RENEWALS**
Josephine Glavich, Inc. d/b/a Eiler’s Place, 326 E. Mesa Avenue
Reggie Mauro d/b/a Red’s Alibi Lounge, 1107 S. Prairie Avenue
Rollco, Inc. d/b/a Russ’s Deluxe Tavern, 407 N. Santa Fe Avenue
- 3 TAVERN LIQUOR LICENSE APPLICATION – REISSUE – ONE REISSUE**
J & C D, Inc. d/b/a Gil’s Westside Tavern, 2202 West 16th Street
- 4 3.2% BEER LICENSE APPLICATION OFF PREMISES CONSUMPTION – RENEWALS – SEVEN RENEWALS**
CST Metro LLC d/b/a Corner Store #1723, 1525 W US Highway 50
Dillon Companies, Inc. d/b/a King Soopers Div No. 43, 102 West 29th Street
Mini Mart, Inc. d/b/a Loaf N Jug #203, 2419 N. Elizabeth Street
7-Eleven, Inc. d/b/a 7-Eleven Store 17127S, 205 W. Northern Avenue
7-Eleven, Inc. d/b/a 7-Eleven Store 19169S, 926 Lake Avenue
Suncor Energy Sales Inc. d/b/a Shell, 1201 Bonforte Boulevard
Suncor Energy Sales Inc. d/b/a Shell, 1812 Highway 50 West
- 5 RETAIL LIQUOR STORE LIQUOR LICENSE – RENEWALS – TWO RENEWALS**
Loco Liquors, Inc. d/b/a Loco Wines & Liquors, 125 S. Santa Fe Avenue
ChoCha, LLC d/b/a Shanty Liquors, 2212 East 4th Street

CONSENT AGENDA (Continued)

**MEETING
NUMBER**

- 6 **CABARET LICENSE APPLICATION – RENEWAL – ONE RENEWAL**
J & C D, Inc. d/b/a Gil's Westside Tavern, 2202 West 16th Street
- 7 **AFFIDAVIT FOR SURRENDER OF CITY & STATE LIQUOR LICENSE – EL CHARRO RESTAURANT LLC D/B/A EL CHARRO, 2042 E. EVANS AVENUE (LICENSEE SURRENDERED HOTEL & RESTAURANT LIQUOR LICENSE TO THE CITY CLERK'S OFFICE AUGUST 29, 2017)**
- 8 **SPECIAL EVENTS PERMIT APPLICATION – BEER, WINE, AND SPIRITUOUS LIQUOR LICENSE – THE STATE HISTORICAL SOCIETY OF COLORADO D/B/A EL PUEBLO HISTORY MUSEUM, MAILING ADDRESS: 301 N. UNION AVENUE, EVENT MANAGER: SIMON TEAKPAK (EVENT TO BE HELD, SEPTEMBER 9, 2017. EVENT ADDRESS: 301 N. UNION AVENUE) **CONTINUED FROM THE AUGUST 16, 2017 REGULAR MEETING****
- 9 **SPECIAL EVENTS PERMIT APPLICATION – BEER, WINE, AND SPIRITUOUS LIQUOR LICENSE – HARP FOUNDATION, MAILING ADDRESS: 125 RIVERWALK PLACE, EVENT MANAGER: CHRISTINE PITTMAN (EVENT TO BE HELD, SEPTEMBER 22, 23, AND 24, 2017. EVENT ADDRESS: RIVERWALK CHANNEL LEVEL – IN FRONT OF PBR, AREA FROM UNION AVENUE TO VICTORIA AVENUE – BOTH SIDES OF CHANNEL)**
- 10 **SPECIAL EVENTS PERMIT APPLICATION – BEER, WINE, AND SPIRITUOUS LIQUOR LICENSE – PUEBLO CHAMBER OF COMMERCE, MAILING ADDRESS: 302 N. SANTA FE AVENUE, EVENT MANAGER: ROD SLYHOFF (EVENT TO BE HELD, SEPTEMBER 21, 22, 23, AND 24, 2017. EVENT ADDRESS: CITY CENTER DRIVE AND UNION AVENUE TO B STREET, CITY CENTER DRIVE AND GRAND AVENUE TO UNION AVENUE, ALAN HAMEL FROM UNION AVENUE TO S. MAIN STREET, D AND C STREETS FROM VICTORIA AVENUE TO S. MAIN STREET, PARKING LOTS FOR ANGELO'S, MEMORIAL HALL, SRDA, AND CONVENTION CENTER OVERFLOW FROM UNION AVENUE TO S. MAIN STREET, EL PUEBLO HSTORY MUSEUM PARKING LOT FROM GRAND AVENUE TO UNION AVENUE, CITY LOT AT PBR FROM VICTORIA AVENUE TO UNION AVENUE**

Ms. Shafer, seconded by Ms. Harrison, moved to approve the Consent Agenda as amended.
Roll Call: Ayes – Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

REGULAR AGENDA

- 11 **MOVED TO END OF AGENDA**

12 PERMIT APPLICATION & REPORT OF CHANGES – MANAGER’S REGISTRATION (HOTEL AND RESTAURANT) — CHIPOTLE MEXICAN GRILL, INC. D/B/A CHIPOTLE MEXICAN GRILL (DEPHEN CHAVEZ REPLACES DAVID MORGENTHALER)

New Manager Dephen Chavez, 16 Alan Shepard Road, Pueblo, CO was sworn in and answered questions from the Board. The moral character questions were directed to Mr. Chavez. The establishment employs 25 to 35 employees. Approved forms of identification were described with some difficulty but examples were given by Mr. Chavez. Anyone appearing under age 30 will have their identification checked. The moral character of Mr. Chavez was found to be satisfactory to the Board. Mr. Chavez will be attending corporate training within the next month. The Board highly recommended that Mr. Chavez be TIPS Certified or attend the City sponsored Liquor Awareness Class provided by State Liquor Enforcement.

Ms. Harrison, seconded by Ms. Shafer, moved to approve the Manager’s Registration (Hotel & Restaurant) for Chipotle Mexican Grill, Inc. d/b/a Chipotle Mexican Grill. Roll Call: Ayes – Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

13 PERMIT APPLICATION & REPORT OF CHANGES – MANAGER’S REGISTRATION (HOTEL AND RESTAURANT) — WATERFRONT ON THE RIVERWALK, INC. D/B/A WATERFRONT ON THE RIVERWALK (ALEXANDER HILL REPLACES ADOLPH PADULA)

New Manager, Alexander Hill, 4757 Eagleridge Cir. #201, Pueblo, CO was sworn in and answered questions from the Board. The moral character questions were directed to Mr. Hill. Mr. Hill stated he received a violation for underage drinking in the state of Missouri. The establishment employs 25 employees. Approved forms of identification were described and examples were given by Mr. Hill. Anyone appearing under age 35 will have their identification checked. The moral character of Mr. Hill was found to be satisfactory to the Board. Mr. Hill stated he is TIPS Certified and he will be signing up employees for the City sponsored Liquor Awareness Class provided by State Liquor Enforcement.

Ms. Shafer, seconded by Ms. Harrison, moved to approve the Manager’s Registration (Hotel & Restaurant) for Waterfront On The Riverwalk, Inc. d/b/a Waterfront On The Riverwalk. Roll Call: Ayes – Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

14 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

Owner, Michael Valarde, 27 Tamar Court, Pueblo, CO was sworn in. Mr. Valarde answered questions from the Board. This modification of premises will extend the licensed premises of Wine Down By The River across the public right-of-way during the Chile and Frijoles Festival. The modifications requested are the same as requested for the same event last year. The premises will be barricaded with security staff manning the entrances into the fenced areas. All identification will be checked by security at the entrance.

Mr. Pullaro, seconded by Ms. Harrison, moved to approve the Report of Changes – Modification of Premises – *Wine Down by the River, LTD. d/b/a Wine Down by the River* contingent upon receipt of a completed routing sheet. Roll Call: Ayes — Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

15 APPLICATION FOR COLORADO LIQUOR SALES ROOM – PERMANENT – SONGBIRD CELLARS, LLC D/B/A SONGBIRD CELLARS, 304 S. VICTORIA AVENUE, UNIT D

Managing Member Ashley Cominsky, 461 Brentwood Drive, Pueblo, CO was sworn in. The board began by questioning Ms. Cominsky about the diagram of the premises. Mr. Christopher Huggins, 461 Brentwood Drive, Pueblo, CO was sworn in. Mr. Huggins stated he was more familiar with the diagram and would help clarify for the Board. Mr. Huggins stated State Liquor Enforcement helps the licensee designate the proper area to be licensed. The diagram submitted did not show the restaurant portion of the property as being licensed. Ms. Cominsky stated the diagram is inaccurate and the restaurant does indeed need to be included as a licensed area. Ms. Harrision asked when will alcohol be served. Ms. Cominsky stated all times during regular business hours. Assistant City Attorney Lisa Macchietto stated she had some concerns with the Operating Agreement. Ms. Macchietto asked who retains control of the premises. Ms. Macchietto stated there is a letter from Ms. Caren Ermel d/b/a Paint Blenders giving permission to use the unit as a Permanent Wine Tasting Room. Mr. Huggins stated there is no sublease to Neon Alley, LTD as Ms. Ermel is a partner in Neon Alley, LTD. Neither Ms. Ermel, or Neon Alley, LTD is actual owner of the property as stated by Mr. Huggins. Mr. Huggins stated these permits allow him to license anything except Schools or other legal agencies though Operating Agreements. Songbird Cellars will provide training and sell their product as a wholesaler to Neon Alley. Ms. Macchietto stated she still has concerns with the Operating Agreement and it would be appropriate to direct the Law Dept. to draft a letter stating the City's concerns.-

Ms. Harrison, seconded by Ms. Shafer, moved to object to the application and direct Assistant City Attorney Lisa Macchietto to provide a letter to State Liquor Enforcement stating the concerns that this application if granted will violate the Colorado state liquor code and laws. Roll Call: Ayes — Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

16 SPECIAL EVENTS PERMIT APPLICATION – BEER, WINE & SPIRITUOUS LIQUOR LICENSE – CENTER FOR AMERICAN VALUES, MAILING ADDRESS: 101 S. MAIN STREET, SUITE 100, EVENT MANAGER: MATT ALBRIGHT, (EVENT TO BE HELD SEPTEMBER 12, 13, 14, 15, 2017. ADDRESS OF EVENT: 101 S. MAIN STREET, SUITE 100 CONTINUED FROM AUGUST 16, 2017

Event Manager Matt Albright, 3800 Azalea, Pueblo, CO and Center for American Values Board Member Brad Padula, 7 Kalanchoe Court Pueblo, CO were sworn in and answered questions from the Board. Mr. Padula said this Special Events Application is to be used in conjunction with the Medal of Honor Convention being hosted September 12th through the 15th. It is not a fund raiser for the organization but is a private hospitality event in which there will be a dinner that alcohol would be provided. All moneys received have been reinvested into the event. There will be one bar and two bartenders. Also, wine will be served during the dinner at the tables. Approved forms of identification were explained and examples given. Mr. Albright stated the guest list is set and the age of attendees are known. Only 4 individuals are under the age of 21. Five security guards have been hired but the City of Pueblo Police Department and the FBI will be patrolling the event.

Ms. Shafer, seconded by Ms. Harrison, moved to Approve Special Events Permit Application – Beer, Wine & Spirituous Liquor License – Center for American Values. Roll Call: Ayes — Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

17 HEARING: TRANSFER OF OWNERSHIP APPLICATION — HOTEL & RESTAURANT LIQUOR LICENSE: AVERAGE JOZ BAR LLC D/B/A AVERAGE JOZ BAR, 1227 S. PRAIRIE AVENUE, (CURRENTLY LICENSED TO BIG DADDY'S SUNSET BOWL, INC. D/B/A BIG DADDY'S SUNSET BOWL, LICENSE EXPIRES AUGUST 28, 2017)

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

Managing Members Josiah Flack, 3712 Sheffield Lane, and Lacy Flack, 3712 Sheffield Lane, Pueblo were sworn in and answered questions from the Board. The moral character questions were directed to both individuals. Currently Average Joz Bar employs five people with the possibility of employing ten people during bowling league. Mr. Flack was unaware of any convictions for current employees. Approved forms of identification were described and examples given. Anyone appearing under age 30 will have their identification. The Flacks indicated the employees of Big Daddy's Sunset Bowl help in identifying underage drinking. Both individuals have worked in a liquor licensed establishment and Mr. Flack is the current registered manager at Big Daddy's Sunset Bowl. The moral character of Mr. Flack was found to be satisfactory to the Board. Ms. Flack stated she is certified in the state of Texas and will be looking into being Colorado TIPS certified. Mr. Flack is considering TIPS training for himself and is attending the City sponsored Liquor Awareness Class provided by State Liquor Enforcement along with Ms. Flack and the staff in October.

Mr. Pullaro, seconded by Ms. Harrison, moved to approve the Hotel & Restaurant Liquor License – Average Joz Bar LLC d/b/a Average Joz Bar. Roll Call: Ayes — Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

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

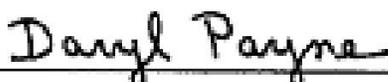
Mr. Pullaro, seconded by Ms. Shafer, moved to approve the Findings and Order. Roll Call: Ayes — Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

11 PERMIT APPLICATION & REPORT OF CHANGES – MANAGER'S REGISTRATION (HOTEL AND RESTAURANT) — BRINKER RESTAURANT CORPORATION D/B/A CHILI'S GRILL & BAR (MICHAEL SAIZ REPLACES GREGORY DIAZ)

Seeing no one appear on behalf of Brinker Restaurant Corporation d/b/a Chili's Grill & Bar, Ms. Harrison, seconded by Ms. Shafer, moved to continue this item to the September 20, 2017 meeting. Ayes — Harrison, Pullaro, Rose, and Shafer. Motion carried 4-0.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,



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