

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
SEPTEMBER 7, 2011 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of September 7, 2011 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 Bob Jagger and Municipal Records and Tech. Coord. Daryl Payne.

APPROVAL OF MINUTES

Mr. DiFatta, seconded by Mr. Ferris, moved to continue approval of the minutes of the Regular Meeting of August 17th, 2011 to the September 21st, 2011 meeting. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-TOTAL OF 4 APPLICATIONS**
T&D Enterprises, LLC d/b/a Park East Restaurant, 720 Goodnight Avenue
Lupita's Restaurant, LLC d/b/a Lupita's Restaurant, LLC, 206 W. Northern Avenue
Global Spectrum Colo., L.P. d/b/a Pueblo Convention Center, 320 Central Main Street
Cuautla, Inc. d/b/a 3 Margaritas VIII, 3620 N. Freeway Road
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 APPLICATIONS**
Disabled American Veterans d/b/a DAV Steel City Chapter #39, 2850 O'Neal Avenue
Rollco, Inc. d/b/a Deluxe Tavern, 407 N. Santa Fe Avenue
Sir Roberts, Inc. d/b/a Sir Roberts, 1130 W. 13th Street
- 3 3.2% BEER LICENSE APPLICATION- RENEWAL-CONSUMPTION OFF PREMISES-7-ELEVEN, INC. D/B/A 7-ELEVEN STORE #19169, 926 LAKE AVENUE**
- 4 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 APPLICATIONS REMOVED FROM AGENDA**
Loco Liquors, Inc. d/b/a Loco Wines & Liquors, 125 S. Santa Fe Avenue
Spanky's Liquor World, LLC d/b/a Spanky's Liquor World, 1415 W. US Highway 50
CHO CHA, LLC d/b/a Shanty Liquor, 2212 E. 4th Street
Marlin Associates, LLC d/b/a Coco-man's Liquor, 1908-1910 E. 4th Street
- 5 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 APPLICATIONS**
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, 1339 E. Routt Avenue
Sir Roberts, Inc. d/b/a Sir Roberts, 1130 W. 13th Street
Global Spectrum Colo., L.P. d/b/a Pueblo Convention Center, 320 Central Main Street
- 6 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR – SENIOR RESOURCE DEVELOPMENT AGENCY D/B/A S.R.D.A., 230 N. UNION AVENUE EVENT MANAGER: STEPHEN G. NAWROCKI (EVENT TO BE HELD SEPTEMBER 23, 24 AND 25, 2011. ADDRESS OF EVENT: 230 N. UNION AVENUE)**

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- 7 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION— HOTEL & RESTAURANT LIQUOR LICENSE—ROJAS & ROJAS, LLC D/B/A GARLIC & ONIONS MEXICAN GRILL, 4333 THATCHER AVENUE (CURRENTLY LICENSED TO JOSE VICTOR AND ROSARIO ROJAS, LICENSE EXPIRES SEPTEMBER 13, 2011)**
- 8 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION— HOTEL & RESTAURANT LIQUOR LICENSE—DJ’S STEAKHOUSE, LLC D/B/A DJ’S STEAKHOUSE, 4289 N. ELIZABETH STREET (CURRENTLY LICENSED TO RODGER D. HARPER, CPA, AS RECEIVOR, LICENSE EXPIRES APRIL 13, 2012)**
- 9 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES— TAVERN LIQUOR LICENSE-RIVERWALK SENATE RESTAURANT & LOUNGE, LLC D/B/A THE SENATE, 219 S. GRAND AVENUE (REQUESTING MODIFICATION BEGIN ON SEPTEMBER 22, 2011 THROUGH SEPTEMBER 25, 2011)**
- 10 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES— TAVERN LIQUOR LICENSE-101, LLC D/B/A THE 101, 101-103 N. UNION AVENUE (REQUESTING MODIFICATION BEGIN ON SEPTEMBER 23, 2011 THROUGH SEPTEMBER 25, 2011)**

VOTE ON CONSENT AGENDA ITEMS:

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

REGULAR AGENDA

MEETING NUMBER

- 11 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– THE HARP FOUNDATION, 200 W. 1ST STREET, SUITE 303, EVENT MANAGER: KEVIN ORTIZ (EVENT TO BE HELD SEPTEMBER 23-24, 2011. ADDRESS OF EVENT: ACROSS THE CHANNEL FROM 101 S. UNION, NEAR THE PBR BUILDING) CONTINUED FROM AUGUST 17, 2011 AT THE REQUEST OF THE LIQUOR BOARD**

Event Manager Kevin Ortiz, 933 Pinecrest was sworn in. The moral character of Mr. Ortiz was satisfactory to the Board. This application is being made to hold a special event in conjunction with the Annual Chile and Frijoles Festival. Mr. Ortiz explained that the profits raised at the event will go to the HARP Foundation. Mr. Ortiz stated he will be responsible for supervising the event. There will be 1 liquor distribution point and 8 people will be selling/serving liquor at the event. Mr. Ortiz stated no food would be available as the vendors from the Chile and Frijoles Festival will be relied on for food service. He also described approved forms of identification and stated that their policy for checking the age of their patrons will be to ask for ID if the person looks under the age of 40. TNT Security has been hired to maintain order on the licensed premises and they will see to it that alcohol is not removed from the premises. Mr. Ortiz stated the premises are secured with barricades and someone will be posted at each entrance/exit. Mr. Jim Munch, Executive Director HARP Authority was sworn in to provide clarity on any issues.

REGULAR AGENDA (Item 11 Continued)

Chairperson Harrison stated the application was placed on the Regular Agenda for clarification of how ID's are checked at HARP events. Mr. Ortiz stated HARP rents the facility to individuals as nonrelated HARP events and they will be monitoring these events more closely. Mr. Ferris stated he understood the non related HARP events but asked specifically what HARP's policy for checking identification at its own events as past practices have not been following the described ID checking policy. Mr. Ortiz stated security will be posted at the entrance of alcohol serving areas and they will check ID's to allow a person in the alcohol area. Mr. Ferris asked if Mr. Ortiz has attended Alcohol Awareness classes. Mr. Ortiz said he attended classes but is not certified. Mr. Ferris suggested the people who do the alcohol serving should attend Alcohol Awareness classes also.

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

**12 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—
RETAIL LIQUOR LICENSE- LAST STOP LIQUOR, INC. D/B/A LAST STOP LIQUOR,
609 W. 29TH STREET**

Julian Garcia, 28 Archway, officer of Last Stop Liquors, Inc. was sworn in and explained the request for a modification to the licensed premises. Mr. Garcia stated his intention is to remove an existing wall for the purpose of expanding the business. Mr. Ferris stated this seems to be a straight forward modification.

Mr. Ferris, seconded by Mr. DiFatta, moved to approve the Modification of Premises changes contingent upon final inspections and receipt of the routing sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**13 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—
TAVERN LIQUOR LICENSE- 3 BELOW, LLC D/B/A 3 BELOW, 224 S. UNION AVENUE
(REQUESTING TEMPORARY MODIFICATION BEGIN ON SEPTEMBER 23, 2011
THROUGH SEPTEMBER 26, 2011)**

Licensees Tammy Weldon, 10 Goldsmith and Rudy Ibarra, 1304 Kingsroyal Boulevard were sworn in and explained the request for a modification to the licensed premises. This application was a temporary modification to the premises to allow for outdoor sidewalk service during the Chile and Frijoles Festival Event. Asst. City Attorney, Bob Jagger interjected the application should be amended to state the effective dates as September 23rd to September 25th, which coincides with Festival. Rudy Ibarra explained the extra time is to allow for taking down the service area. Mr. Jagger explained the purpose of this application is for selling alcohol and no alcohol should be served after the Festival is concluded. Mr. Ibarra stated they would amend the application.

Mr. Pullaro, seconded by Mr. Rose, moved to approve the Modification of Premises changes contingent upon being amended and receipt of the routing sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

14 HEARING: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE—QMT, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET (CURRENTLY LICENSED TO GROVE TAVERN, LLC D/B/A GROVE TAVERN, LICENSE EXPIRES FEBRUARY 8, 2012)

Member/Owner William Quintana, 2120 Settlers Dr., was sworn in and answered questions from the Board. Mr. Quintana alluded to a deferred sentence involving a harassment charge. The Board deemed Mr. Quintana as to good moral character. Mr. Quintana elaborated on financing and operation of the tavern.

Chairperson Harrison alluded to a communication from a neighborhood resident. Ms. Harrision cautioned Mr. Quintana about the conduct of establishment. Mr. Quintana stated he is being a good neighbor and has a doorman posted at the exit so no alcohol is being removed. He further stated he personally picks up trash in the area of the neighborhood.

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

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

15 HEARING: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE—IRON HORSE BAR & GRILL, INC. D/B/A IRON HORSE BAR & GRILL, INC., 717 N. MAIN STREET (CURRENTLY LICENSED TO ARCADIA DANCE HALL INC. D/B/A ARCADIA DANCE HALL & ANCHOR LOUNGE, LICENSE EXPIRED AUGUST 7, 2011)

President/Owner Douglas Vigil, 3945 Fairfield Ln., was sworn in and answered questions from the Board. Mr. Vigil stated that he did have a traffic infraction on the Fort Carson Army Base. The charge was reduced to minor traffic by the Federal Magistrate. The Board deemed Mr. Vigil of good moral character. Mr. Vigil explained his financing mechanism and how the tavern will be operated.

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

Mr. Rose, seconded by DiFatta, moved to approve the transfer of this license contingent upon receipt of the routing sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

16 HEARING: TRANSFER OF OWNERSHIP APPLICATION—CABARET LICENSE—IRON HORSE BAR & GRILL, INC. D/B/A IRON HORSE BAR & GRILL, INC., 717 N. MAIN STREET (CURRENTLY LICENSED TO ARCADIA DANCE HALL INC. D/B/A ARCADIA DANCE HALL & ANCHOR LOUNGE, LICENSE EXPIRED AUGUST 7, 2011)

President/Owner Douglas Vigil, 3945 Fairfield Ln., was sworn in and answered questions from the Board. The Board took administrative notice to include the previous testimony from the tavern license transfer into this hearing.

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

Mr. Rose, seconded by DiFatta, moved to approve the transfer of the Cabaret License. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

- 17 HEARING: TRANSFER OF OWNERSHIP APPLICATION—RETAIL LIQUOR STORE LIQUOR LICENSE—J&J LIQUOR, LLC D/B/A J&J LIQUOR, 4315 THATCHER AVENUE (CURRENTLY LICENSED TO PH LIQUOR INC. D/B/A PH LIQUOR, LICENSE EXPIRES NOVEMBER 22, 2011) CONTINUED FROM JULY 20TH AND AUGUST 2011 AT THE REQUEST OF THE APPLICANT**

Asst. City Attorney, Bob Jagger, stated the application is incomplete and should be removed from the agenda. Item was removed.

- 18 HEARING: NEW CABARET LICENSE– CHRISTOPHER RODRIGUEZ D/B/A SHARKY’S BAR, 1549 E. EVANS AVENUE**

Owner Christopher Rodriguez, 102 W. Pitkin was sworn in and presented petitions to the Board. The petitions showed 130 in favor, 2 opposed, and 6 neutral signatures. Mr. Rodriguez stated he attempted notice of hearing service on more than one occasion. The Board determined the petitions supported issuance of the Cabaret license

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

Mr. Ferris, seconded by Mr. DiFatta, moved to approve the application for a new cabaret license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Jagger read the proposed Findings and Order into the record for the Board’s consideration.

Mr. Ferris, seconded by Mr. Rose, moved to approve the Findings and Order. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 19 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- CLUB MANOR SPORTS BAR AND ENTERTAINMENT, LLC D/B/A CLUB MANOR SPORTS BAR AND ENTERTAINMENT, 4065 CLUB MANOR DRIVE, (POLICE CR# 11-11646, VIOLATION DATE: JUNE 19, 2011) SET FOR HEARING ON JULY 20, 2011**

Frank Carbajal, owner Club Manor Sports Bar and Entertainment, LLC, Jim Koncilja, counsel for Mr. Carbajal, and Assistant City Attorney Carla Sikes as Conflicts Counsel on behalf of the Police Department, entered their appearances. Ms. Sikes stated a stipulation agreement was reached on this violation. The agreement calls for stipulating to Counts 2 and 3 and dismissal of Counts 1 and 4. The license will be suspended for 14 days beginning September 30, 2011 and ending but including October 13, 2011. Mr. Koncilja stated this matter was really about a disgruntled employee.

Mr. Jagger read the Stipulated Findings and Order. Mr. Ferris questioned the starting date of the suspension. Mr. Carbajal explained he has two special events scheduled before September 30th and these events required a large financial investment.

Mr. Pullaro, seconded by Mr. Rose, moved to approve the Stipulated Findings and Order. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

20 TAVERN LIQUOR LICENSE APPLICATION-RENEWAL- CLUB MANOR SPORTS BAR AND ENTERTAINMENT, LLC D/B/A CLUB MANOR SPORTS BAR AND ENTERTAINMENT, 4065 CLUB MANOR DRIVE (CONTINUED FROM AUGUST 3, 2011)

Mr. DiFatta, seconded by Mr. Rose, moved to approve the application for renewal of Tavern Liquor license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

21 CABARET LICENSE APPLICATION-RENEWAL- CLUB MANOR SPORTS BAR AND ENTERTAINMENT, LLC D/B/A CLUB MANOR SPORTS BAR AND ENTERTAINMENT, 4065 CLUB MANOR DRIVE

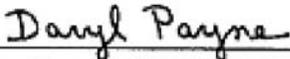
Mr. DiFatta, seconded by Mr. Rose, moved to approve the application for renewal of Cabaret license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

22 REVIEW AND DISCUSSION REGARDING DRAFT OF THE RULE OF THE LIQUOR AND BEER LICENSING BOARD OF THE CITY OF PUEBLO RELATING TO PETITIONS SUBMITTED TO THE BOARD

Mr. Jagger stated this item was to review and discuss the Rule of the Liquor and Beer Licensing Board with regard to petitions. Most of the discussion centered on paragraph (c) “No petitions will be considered unless the party or parties submitting them has/have first designated alongside each signature on the petition whether the party signing resides, or owns or manages a business within the designated area.” Mr. Jagger explained although of good intent this paragraph should be stricken. After no further discussion, Mr. Jagger explained the next step will be to hold an Administrative hearing to approve the rule and petition format.

ADJOURN – With no further business to conduct, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,



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