

**PUEBLO LIQUOR & BEER LICENSING BOARD**

**MINUTES -- REGULAR MEETING**

**CITY HALL -- COUNCIL CHAMBERS**

**February 6, 2013 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of February 6, 2013 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 Greg Styduhar and Deputy City Clerk Lori Bravo-Neff.

**APPROVAL OF MINUTES**

Mr. Pullaro, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of January 16, 2013. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**CONSENT AGENDA**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**  
VanZandt, LLC d/b/a Toni & Joe's Pizzeria, 2039 Columbia Drive  
Papa Jose's, Inc. d/b/a Papa Jose's Union Café, 320 S. Union Avenue  
Stetell Enterprises, Inc. d/b/a Spectator's East Sports Grill, 1002 Constitution Road  
Elisabeth Millenet d/b/a Rio Bistro, 126 S. Union Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**  
Capritta's Inc. d/b/a Capritta's Oasis, 1501 E. Evans Avenue  
Ruth Fern Fransua d/b/a Al's Ninety Six, 2102 E. 4<sup>th</sup> Street  
Parise's Restaurant & Lounge, Inc. d/b/a Parise's Lounge, 430 W. 30<sup>th</sup> Street  
Edward P. Sena d/b/a Sena's Buffalo Bar, 414 W. Northern Avenue
- 3 RACE TRACK LIQUOR LICENSE APPLICATION-RENEWAL-LAW DOG, LLC D/B/A SOUTHERN COLORADO GAMING & EVENT CENTER, 3215 LAKE AVENUE**
- 4 3.2% BEER LICENSE APPLICATIONS- CONSUMPTION OFF-PREMISES-RENEWALS TOTAL OF 3 RENEWALS**  
7-Eleven, Inc. d/b/a 7-Eleven #13111, 2727 S. Prairie Avenue  
7-Eleven, Inc. d/b/a 7-Eleven #23811, 327 W. 8<sup>th</sup> Street  
Love's Travel Stops & Country Stores, Inc. d/b/a Love's Travel Stop #226, 6470 N. Elizabeth Street
- 5 CLUB LIQUOR LICENSE APPLICATION-RENEWAL-AMERICAN LEGION D/B/A JAMES MCNEAL POST #163, 1328 E. EVANS AVENUE**
- 6 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS TOTAL OF 2 APPLICATIONS**  
Paul & Charlene Gauna d/b/a Gauna's West Side Liquor, 2201 W. 16<sup>th</sup> Street  
SL Pueblo, LLC d/b/a Eagle Liquors, 1020 Eagleridge Boulevard
- 7 PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME-TAVERN LIQUOR LICENSE: JOHN & JEANNE'S STAR BAR, LLC D/B/A JOHN & JEANNIE'S, 300 SPRING STREET (NEW TRADE NAME: JOHN & JEANNE'S STAR BAR)**

**CONSENT AGENDA (CONTINUED)**

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- 8 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION— HOTEL & RESTAURANT LIQUOR LICENSE–PUEBLO AB INVESTORS, LLC AND SEAVIEW INVESTORS, LLC D/B/A COURTYARD BY MARRIOTT, PUEBLO, 110 W. 1<sup>ST</sup> STREET (CURRENTLY LICENSED TO PUCO ASSOCIATES, LLC D/B/A PUEBLO MARRIOTT/CHARLIE B’S, LICENSE EXPIRES DECEMBER 28, 2013)**

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**

- 9 NEIGHBORHOOD SURVEY: NEW BEER & WINE LIQUOR LICENSE– BLUE OCEAN JAPANESE RESTAURANT, INC. D/B/A BLUE OCEAN JAPANESE RESTAURANT, 103 S. UNION AVENUE #110**

Neighborhood surveyor Don Vest, 516 Lincoln was sworn in. Mr. Vest presented the demographics and map of the defined neighborhood for issuance of a new beer & wine liquor license for premises to be known as *Blue Ocean Japanese Restaurant*.

Mr. Rose, seconded by Mr. Ferris, moved to accept the survey and set the hearing for February 20, 2013. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 10 HEARING: NEW TAVERN LIQUOR LICENSE– PLANET 86, LLC D/B/A PLANET 86, 215-217 E. NORTHERN AVENUE**

Armando Vidrio, Sole managing member, 41883 US Hwy. 50, Gunnison, CO and Sarah Pino, registered manager, 1033 Elm Street were sworn in and answered questions from the Board.

The moral character of Mr. Vidrio was satisfactory to the Board. Mr. Vidrio previously held a liquor license and that license was never been suspended or revoked for violating liquor licensing statutes or regulations. There are no silent partners or financial backers not disclosed in this application. Mr. Vidrio stated he used personal savings to enter into possession of the premises. They will employ approximately 7 employees and none have criminal backgrounds to his knowledge. They will check references but will not conduct background investigations. Mr. Vidrio described approved forms of I.D. and stated they will check all customers' I.D.'s before selling an alcohol beverage to them. Mr. Vidrio stated he has the City/State's 2013 Liquor Awareness Class schedule which he plans on attending. He also plans on sending his employees to these classes in the future. The Board questioned Mr. Vidrio at length in regard to the amount of money he disclosed he was investing. (\$2,900.00) The Board wanted to make sure that Mr. Vidrio realized that it takes a larger sum of money than what he stated he was investing to be able to successfully run a business. The Board stated they felt he had not considered many factors – such as rent, utilities and the purchase of alcohol. Mr. Vidrio stated if additional funds were needed, his sister-in-law would lend it to him. Sporadically, during this period of questioning, Ms. Pino slightly assistance with translating for Mr. Vidrio. (English to Spanish)

The moral character of Ms. Pino was satisfactory to the Board. Ms. Pino has never held or worked in or for a liquor-licensed establishment. They will employ approximately 7 employees – more if needed and

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stated these employees do not have criminal backgrounds. They will check references and if needed, will conduct background investigations in the future. Ms. Pino described approved forms of I.D. and stated they will check all customers' I.D.'s before selling an alcohol beverage to them. Ms. Pino stated she plans on attending a Liquor Awareness Class and they will also send employees to these classes in the future. Board Member Ferris strongly encouraged both Ms. Pino and Mr. Vidrio to become certified so that they are very familiar with the liquor laws.

For the record, it was determined there was one person present in opposition to the issuance of this license; there was also one person present in favor of the issuance of this license.

The Board then reviewed the petitions which were previously distributed to the Board. The Board held a brief discussion with Mr. Vidrio asking for clarification on some of the notes he had provided to them on a log he kept when he was circulating the petitions. Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions. The petitions circulated were collectively marked as *Exhibit A*. It was determined that the issuance of this license is supported by at least 59 residents of the neighborhood or other parties in interest and opposed by at least 6 residents of the neighborhood or other parties in interest. The Board then heard from individuals wishing to speak at the hearing.

For the issuance of the license:

Victor Navarro, 1617 W. Northern Avenue, was sworn in. Mr. Navarro explained he is the owner of the building and Mr. Vidrio's landlord. He stated he initially assisted Mr. Vidrio in completing the liquor license application however, Mr. Vidrio stated he wanted to handle this process himself. Mr. Navarro stated he wanted to address some of the concerns the Board had voiced. He stated the lease begins when the license is approved; all inventory is included in the cost of the rent; he is well aware of what the utilities cost and has given this information to Mr. Vidrio. Mr. Navarro stated he also provided the name of a wholesaler he used when he held a liquor license to Mr. Vidrio. He also stated he is really trying to help Mr. Vidrio until Mr. Vidrio can get on his feet. He felt that the addition of this new business will enhance the neighborhood.

Opposition to the issuance of the license:

Walter Apodaca, 5959 Fox Lane, Beulah, CO, was sworn in. Mr. Apodaca stated he is the owner of Veteran's Tavern and initially, he did not set out as the opposition until he got to the meeting. Mr. Apodaca stated he briefly discussed the lack of parking with the owner and was told, "First come, first serve." Mr. Apodaca stated that historically, businesses have never worked at this location. He stated he wants his customers to feel safe and wants a business that will bring a good element to the neighborhood. He stated he did not feel that this was a well thought business decision on Mr. Vidrio's part. Mr. Apodaca stated that no one ever approached his business to sign the petition as if they had, his employees would have told him about it. He said he was not given the proper notice of hearing.

Mr. Styduhar explained that the Board should not consider the parking situation and their decision needs to be made on the needs and desires of the neighborhood as well as the moral character of the applicant. Staff also explained to the Board that Mr. Vidrio had in fact mailed a certified letter to Mr. Apodaca's home address and even though the notice was specifically for the cabaret hearing, he was properly notified by the applicant.

Mr. Ferris, seconded by Mr. Rose, moved to approve this new liquor license application based on moral character and the needs & desires of the neighborhood.

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Prior to casting their votes, the Board discussed some of their concerns such as the low number of individuals who signed the petitions; however with the lack of any one in opposition being present, the petitions did bear out approval of the license. Additionally, the Board stated they feel that Mr. Vidrio had made a good effort in obtaining signatures on the petition as was evidenced in the log he kept when he was out circulating petitions. Chairwoman Harrison also mentioned she was somewhat concerned that a young female was the registered manager. (*Note: The applicant did assure the Board that when Mr. Vidrio was not able to be present with Ms. Pino, security would be.*) The Board then cast their votes.

Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Styduhar read the proposed Findings and Order for the Board's consideration.

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

**11 HEARING: NEW CABARET LICENSE– PLANET 86, LLC D/B/A PLANET 86, 215-217 E. NORTHERN AVENUE**

Mr. Styduhar explained to the Board that the City Clerk's Office previously received the proof of mailings of the hearing notices and they will be collectively marked as *Exhibit B*. It was determined that the issuance of this license is supported by at least 59 residents of the neighborhood or other parties in interest and opposed by at least 6 residents of the neighborhood or other parties in interest.

Mr. Ferris, seconded by Mr. Rose, moved to take Administrative Notice of the previous testimony (given in Item #10) and approve this application for a cabaret license. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Styduhar read the proposed Findings and Order for the Board's consideration.

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

**ADJOURN** – With no further business to come before the Board, the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

  
Lori Bravo-Neff, Deputy City Clerk  
City Clerk's Office