COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL - 107 N. NEVADA AVE.
MAY 7, 2010 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Stephens, Mr. Clauss, Mr. Kouba, Ms. Lloyd, and Mr. Nemeth. Absent, Ms. Abrams and Mr. Wright. Also present, Board Legal Advisor Marc Smith.

COMMUNICATIONS

1. Attorney Vince Linden entered his appearance on behalf of the applicant for Item No. 6 and requested the item be postponed to the Board meeting of June 4, 2010.

Motion by Kouba, second by Clauss, that Item No. 6 be postponed to the Board Meeting of June 4, 2010. The motion unanimously carried. Absent, Ms. Abrams and Mr. Wright.

MINUTES

2. **Approval of the Minutes of the Board Meeting of April 16, 2010.**

Motion by Clauss, second by Lloyd, that the Minutes of the Board meeting of April 16, 2010, be approved as written. The motion unanimously carried. Absent, Ms. Abrams and Mr. Wright.

CONSENT CALENDAR

3. The City Clerk's Office reports that boundaries were set and Temporary Permits were issued for the following applications:

A-1. Colorado Springs Fine Arts Center dba Fine Arts Center Colorado Springs, 30 West Dale Street:

North: South side of Columbia Street extended
South: North side of Boulder Crescent Street extended
East: West side of Corona Street extended
West: East side of Chestnut Street extended

A-2. Tenderlake, Inc., dba Flatiron's, 2540 Tenderfoot Hill Street:

North: South side of Corona Avenue extended
South: North side of Westcliff Circle extended
East: West side of Cheyenne Road extended
West: East side of Ashgrove Street extended

A-3. Little Biggs of Colorado Springs LLC dba Li'l Biggs, 5944 Stetson Hills Boulevard:

North: South side of Luster Drive extended
South: North side of Tutt Center Point extended
East: West side of Grover Drive extended
West: East side of Rose Ridge extended

B-1. Latin Fusion, LLC
dba Latin Fusion
675 South Circle Drive

B-2. Paul's Liquors, LLC
dba Paul's Liquors
2842 East Pikes Peak

B-3. The Flow of Mexico, LLC
dba The Flow of Mexico
16 East Bijou Street

Motion by Lloyd, second by Nemeth, that the Consent Calendar be approved. The motion unanimously carried. Absent, Ms. Abrams and Mr. Wright.

TRANSFER APPLICATIONS

4. **Application of RAD, LLC dba Giuseppe's Depot Restaurant, to transfer the Hotel and Restaurant License currently issued to Giuseppe's Depot Restaurant Corporation dba Giuseppe's Depot Restaurant, 10 South Sierra Madre Street.**

Attorney Larry Gaddis entered his appearance on behalf of the applicant.

Harlan Ochs, Member, was sworn and stated the restaurant has been in operation approximately 37 years; that he has previous experience in the sale of alcohol through ownership of convenience stores that hold liquor licenses; that $200,000 is being invested in the business which was derived from corporate funds; that the lease term is five years; that the seating capacity is 400.

Karen White, General Manager, was sworn and stated she has experience in the sale of alcohol beverages through previous ownership of establishments.

Mr. Nemeth stated the diagram of the premises indicates the basement and the main restaurant level will be licensed; that it appears the basement will be utilized for storage which will then require alcohol be removed from the premises and taken through an unlicensed area before relocating alcohol into the main level licensed premises; that removing alcohol from a licensed premises to an unlicensed area before again entering another licensed premises is in violation of the Liquor Code; that a modification of the premises would be required to include the area linking the basement premises to the main level premises.

Motion by Kouba, second by Nemeth, that the application of RAD, LLC dba Giuseppe's Depot Restaurant, to transfer the Hotel and Restaurant License currently issued to Giuseppe's Depot Restaurant Corporation dba Giuseppe's Depot Restaurant, 10 South Sierra Madre Street, be approved with the condition that the diagram submitted be amended to exclude the basement are pending a modification of the premises. The motion unanimously carried. Absent, Ms. Abrams and Mr. Wright.

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5. **Application of I-95, LLC dba I-95 Restaurant & Bar, to transfer the Hotel and Restaurant License currently issued to East Coast Restaurants, LLC dba East Coast Deli, 5934 Stetson Hills Boulevard.**

Attorney Larry Gaddis entered his appearance on behalf of the applicant.

Feng Yang was sworn and stated she was previously charged with sale of alcohol beverage on an expired license which was not noted on her application; that the lease term is five years.

The Board expressed concern of the applicant's lack of knowledge of the liquor laws.

Mr. Gaddis requested this matter be continued to the Board meeting of May 21, 2010.

Motion by Clauss, second by Nemeth, that this matter be continued to the Board meeting of May 21, 2010; that the applicant will also have the opportunity to amend the application to reflect violations omitted from the license application. The motion unanimously carried. Absent, Ms. Abrams and Mr. Wright.

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6. **Application of K R Management Co. dba Krown Liquor to transfer the Retail Liquor Store License currently issued to H Plaza LLC dba Celebrations, 2850 South Academy Boulevard, Ste. 120.**

SEE ACTION TAKEN EARLIER IN THE MEETING.

MODIFICATION OF THE PREMISES

7. **Application of Chavanon Restaurants LLC dba Marigold Cafe & Bakery to Modify the Premises where liquor is served at 4605 Centennial Boulevard.**

Attorney Vince Linden entered his appearance on behalf of the licensee.

Elaine Chavanon was sworn and stated the modification will relocate the bakery case and extend the bar area; that a wall will also be erected to screen the kitchen area.

Ed King was sworn and stated he conducted the petition survey which resulted in 193 favoring, 2 opposing and 2 no opinion signatures.

Ms. Chavanon stated the modification of the premises began without submitting an application for modification and receiving approval by the Board; that she did not feel the proposed modification was significant and therefore did not require Board approval.

Motion by Kouba, second by Nemeth, that the application of Chavanon Restaurants LLC dba Marigold Cafe & Bakery to Modify the Premises where liquor is served at 4605 Centennial Boulevard, be approved. The motion unanimously carried. Absent, Ms. Abrams and Mr. Wright.

APPLICATION HEARINGS

8. **Application of Motif, LLC dba Motif LLC for a Tavern Liquor License at 115 South 25th Street.**

Heather Darrigan, Partner, was sworn and stated her husband and she currently own a catering company adjacent to the proposed establishment which will be a jazz club; that the establishment seats 42 persons inside and 50 persons outside on the patio. She stated the lease term is five years.

Susan Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 156 favoring, 11 opposing, and 4 no opinion signatures.

Steve Draper, Partner, was sworn and stated $100,000 is being invested in the business of which were derived from his personal funds.

Motion by Clauss, second by Nemeth, that the application of Motif, LLC dba Motif LLC for a Tavern Liquor License at 115 South 25th Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Abrams and Mr. Wright.

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9. **Application of Dat's Italian, LLC dba Dat's Italian for a Hotel and Restaurant Liquor License at 2514 West Colorado Avenue, Ste. 102.**

Dennis and JoAnn Trujillo were sworn.

Mr. Trujillo stated the restaurant was opened April 1, 2010; that neither JoAnn or he have a criminal history; that the lease term is three years; that a petition survey was conducted which resulted in 92 favoring, 1 opposing, and 3 no opinion signatures; that employees will attend formal training classes; that the restaurant seats 49 inside and 30 outside on the patio; that when customers are served on the patio, a staff member will oversee the area.

Motion by Kouba, second by Nemeth, that the application of Dat's Italian, LLC dba Dat's Italian for a Hotel and Restaurant Liquor License at 2514 West Colorado Avenue, Ste. 102, be approved with the condition that the applicant provide proof of training to the City Clerk's Office prior to issuance of the license. The motion unanimously carried. Absent, Ms. Abrams and Mr. Wright.

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At 10:35 a.m., motion by Clauss, second by Lloyd, that the Board adjourn.

Cindy N. Conway, CMC
Deputy City Clerk