COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
APRIL 6, 2012 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Stephens, Mr. Bursell, Mr. Clauss, Ms. Frias, Mr. Kouba, Ms. Lloyd and Mr. Nemeth. Also present, Board Legal Advisor Kenny Hodges**.**

COMMUNICATIONS

1. There were none.

CONSENT CALENDAR

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

A-1. La Gonzalez, Inc. dba El Rey Del Taco, 522 South Academy Boulevard:

North: South side of Garland Court extended
South: North side of Landmark Lane extended
East: West side of Murray Boulevard extended
West: East side of Chelton Road extended

A-2. Bonefish Grill, LLC dba Bonefish Grill #6605, 5102 North Nevada Avenue #100:

North: South side of I-25 off ramp extended
South: North side of Aeration View extended
East: West side of Stanton Road extended
West: East side of Interstate 25 extended

B1. RK Saini, Inc. & 7-Eleven, Inc.
dba 7-Eleven Store 13087A
2555 Delta Drive

B-2. Didio2, Inc. & 7-Eleven, Inc.
dba 7-Eleven Store 32386A
4710 Centennial Boulevard

Motion by Kouba, second by Frias, that the Consent Calendar be approved. The motion unanimously carried.

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Mr. Clauss and Mr. Kouba were excused.

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MODIFICATION OF THE PREMISES

3. **Application of BORP Corporation dba Rhino's, to Modify the Premises where liquor is served at 4307 Integrity Center Point.**

Gregory Roman was sworn and stated the request is to expand into the adjacent premises of 1200 square foot which will have a dart board and pool area, office space, and additional restrooms; that the seating capacity will increase approximately 600 square feet.

Motion by Lloyd, second by Nemeth, that the application of BORP Corporation dba Rhino's, to Modify the Premises where liquor is served at 4307 Integrity Center Point, be approved, as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Clauss and Mr. Kouba.

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Mr. Clauss and Mr. Kouba returned.

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APPLICATION HEARINGS

4. **Application of El Huracan, LLC dba El Huracan for a Tavern Liquor License at 2330-2336 South Academy Boulevard.**

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

Edgar Aguirre was sworn and stated he and his wife Sulema Aguirre are co-owners of the business; that the lease term is five years; that he was charged with a DUI in 2000 and met all court ordered conditions; that $85,000 is being invested of which said funds were derived from personal savings. He stated Sulema and he have no previous experience in the sale of alcohol beverages however, he is familiar with the Liquor Code; that all employees will be required to attend formal alcohol training classes; that he intends to hire off-duty police officers to provide security at the establishment; that live music will be offered. He stated Stephanie Bost will be the registered manager and has experience in the industry. He stated there is only one ingress and egress to the premises and patrons will be allowed leave and re-enter the premises if they have an issued wristband.

Sulema Aguirre was sworn and stated she has attended formal alcohol training.

Stephanie Bost, Manager, was sworn and stated she has 14 years experience in the sale of alcohol and as a bartender.

Susan Duffy Schwall, Liquor Licensing Professionals, LLP, was sworn and stated her company conducted the petition survey which resulted in 147 favoring, 21 opposing, and 1 no opinion signature.

At the request of Mr. Gaddis, eight persons stood in support of the application.

Mr. Nemeth expressed concern that the applicant has no previous experience in operating a tavern liquor license.

Motion by Clauss, second by Frias, that the application of El Huracan, LLC dba El Huracan for a Tavern Liquor License at 2330-2336 South Academy Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried.

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5. **Application of Soup To Nuts, Inc. dba Buffalo Gals Grilling Co. for a Tavern Liquor License at 3650 North Nevada Avenue.**

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

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Mr. Kouba was excused.

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Kathy Dreiling, President, was sworn and stated Michelle Talarico, Secretary-Treasurer, and she are co-owners of the business; that the premises is the Freedom Financial Expo Center. She stated Ms. Talarico and she have owned Picnic Basket Catering Co. for approximately 23 years and have held a Beer and Wine license since 1994. She stated approximately $15,080 is being invested in the business of which said funds were derived from existing business funds; that she has attended formal alcohol training. She stated Tara Ray Harris is the Operations and Logistics Manager and she has previous experience in the service of alcohol beverages. She gave an overview of the policies and procedures followed during the service of alcohol beverages. She stated there is a courtyard accessible only through the inside premises.

Kirk Standley, General Manager of Colorado Springs Expo Management, LLC, was sworn and stated the management company has a five year contract with UCCS to operate the Freedom Financial Expo Center. He gave an example of events hosted by the company, and stated the applicant has entered into a vending-catering agreement with the company which includes the service of alcohol beverages.

Susan Duffy Schwall, Liquor Licensing Professionals, LLP stated her company conducted the petition survey which resulted in 122 favoring, 8 opposing, and 2 no opinion signatures.

In response to questions from Mr. Clauss, Mr. Standley identified the means by which alcohol will be transported in and out of the premises and spoke of security measures and oversight of the courtyard during the times alcohol is served.

Motion by Frias, second by Nemeth, that the application of Soup To Nuts, Inc. dba Buffalo Gals Grilling Co. for a Tavern Liquor License at 3650 North Nevada Avenue, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Kouba.

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Mr. Kouba returned.

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SUSPENSION/REVOCATION HEARING

6. **Suspension/Revocation Hearing concerning the Retail Liquor Store License issued to Pahk Beverages, LLC dba P Westside Liquors, 1431 West Colorado Avenue.**

Attorney Damon Cassens entered his appearance on behalf of the licensee.

City Prosecuting Attorney Jamie Smith entered her appearance on behalf of the City and stated a Stipulation has been reached in this matter; that the licensee admits guilt to the sale of alcohol to a minor; that the proposed Stipulation provides 15 days suspension, 3 days active, and 12 days to be held in abeyance for one year pending future violations; that this is the second violation by the licensee; that the licensee received a written warning in June, 2011 for sale to a minor, which was returned with an Admission of Guilt.

Mr. Cassens stated the licensee is considering the sale of the business; that additionally, they are attempting to purchase a cash register lock that will require an identification card before the register will open; that the licensee and employees are scheduled to attend an alcohol training class in May, 2012.

In response to a question from Mr. Kouba, Ms. Smith stated the sale of alcohol to minors was by two different employees.

Motion by Kouba, second by Clauss, that the proposed Stipulation and Agreement be accepted providing 15 days suspension, 3 days active, and 12 days to be held in abeyance for one year pending future violations; that the active days suspension shall begin today, April 6, 2012 at Noon for three consecutive days. The motion unanimously carried.

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At 10:20 a.m., there being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,

Cindy N. Conway

Cindy N. Conway, CMC
Interim City Clerk