COLORADO SPRINGS, COLORADO COUNCIL CHAMBERS – CITY HALL 107 NORTH NEVADA AVENUE JUNE 7, 2013 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Vice Chairman Clauss, Mr., Davis, Ms. Frias, and Mr. Gorman. Members Absent: Chairman Stephens, Ms. Holmes, and Mr. Nemeth. In the absence of Chairman Stephens, Vice Chairman Clauss presided. Also present: Board Legal Advisor Kyle Sauer.

#### **COMMUNICATIONS**

 License Enforcement Officer Lee McRae stated that the applicant for Item No. 7 has requested the item be taken out of order after Item No. 3 for a potential request for continuance.

#### **MINUTES**

2. Motion by Frias, second by Davis, that the Minutes of the Board meeting of May 17, 2013 be approved as written, and that the approval of the June 1, 2012 minutes be postponed to the meeting of June 21, 2013. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

#### **CONSENT CALENDAR**

- 3. The City Clerk's Office reports that boundaries were set for the following applications:
  - A. MEG 123, LLC dba Mining Exchange Hotel or The Gold Room, 18 S. Nevada Avenue:

North: South side of Saint Vrain Street extended South: North side of Moreno Avenue extended East: West side of Franklin Street extended West: East side of Spruce Street extended

B. Creative Coffee Solutions, LLC dba Urban Steam Coffee Bar, 1025 S. Sierra Madre Street:

North: South side of Cimarron Street extended
South: North side of Navajo Street extended
East: West side of Wahsatch Avenue extended
West: East side of Summer Games Drive extended

#### **LIQUOR AND BEER LICENSING BOARD – JUNE 7, 2013**

Motion by Frias, second by Davis, that the Consent Calendar be approved. unanimously carried. Absent: Holmes, Nemeth, Stephens.	The motion
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Vice Chairman Clauss called Item No. 7 out of order

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## 7. <u>Application of Dal B. Lee dba SL Liquors for a Retail Liquor Store License at 5109</u> <u>Austin Bluffs Parkway.</u>

Attorney Kent Freudenberg entered his appearance on behalf of the applicant, and requested continuance of this item until the Liquor Board meeting of August 2, 2013.

Christa Karr, neighborhood resident, stated there is an opposition survey that she is prepared to present this morning, but would make arrangements to be available at the postponed hearing date.

Motion by Gorman, second by Frias, that the item be postponed to the Liquor Board meeting of August 2, 2013. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

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### **TRANSFER APPLICATIONS**

4. Application of J & D Discount Liquor, Inc. dba J & D Discount Liquor to transfer the Retail Liquor Store License currently issued to Dong Sup Lee dba Bottoms Up Liquor, 4884 Galley Road.

Attorney Vince Linden entered his appearance on behalf of the applicant, and stated that this application is simply to transfer the existing license from a sole proprietor to a corporation solely for tax purposes, and that there are no other changes to the business or day to day operations.

Dong Sup Lee was sworn and stated that he is the 100% owner and president of the corporation; that he has been in business at this location as a sole proprietor since 2005; that he has had one violation of a sale to minor in 2009; that he and his spouse are the only employees of the business; that he has a five year lease for the 1862 square foot premises; and that there is no new investment, but he has a remaining \$45,000 balance on the original SBA loan.

Motion by Gorman, second by Frias, that the application of J & D Discount Liquor, Inc. dba J & D Discount Liquor to transfer the Retail Liquor Store License currently issued to Dong Sup Lee dba Bottoms Up Liquor, 4884 Galley Road, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

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#### CHANGE OF LOCATION

5. Application of New Panda II Restaurant, Inc. dba New Panda II Restaurant, for a Change of Location of its Hotel and Restaurant Liquor License from 1213 N. Circle Drive to 1625 N. Union Boulevard.

Yue Ping Lai was sworn and stated that she is the 100% owner and president of the corporation; that she has a 20 year lease for the 2220 square foot premises and personally owns the building; and that there is no new investment and the move is financed by the proceeds of the business.

Silve Cimino, Liquor Licensing Professionals, was sworn and stated the company conducted the petition survey which resulted in 149 favoring, 9 opposing, and 6 no opinion signatures.

In response to questions from the Board, Ms. Lai stated that she has had two liquor violations in the last 10 years; that the prior violations occurred in her first year of business approximately 10 years ago; that the patio at the new location will be enclosed and accessible only from the interior of the restaurant; that the new location is larger than the existing premises; and that a second floor will be licensed for storage only.

Ms. Frias and Mr. Gorman stated that they have concerns that the applicant does not appear to completely understand the proceedings this morning, but it does appear that she meets the requirements for a change of location.

Motion by Gorman, second by Davis, that the application of New Panda II Restaurant, Inc. dba New Panda II Restaurant, for a Change of Location of its Hotel and Restaurant Liquor License from 1213 N. Circle Drive to 1625 N. Union Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

#### **NEW APPLICATION HEARINGS**

6. <u>Application of Wal-Mart Stores, Inc. dba Walmart Market #3176 for a 3.2% Beer Off</u>
Premises License at 1725 N. Union Boulevard.

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Ulises Estrada was sworn and stated that he is the registered manager for this location; that the company has a master file with the State Liquor Enforcement Division; that there is a 20 year lease for the approximate 40,596 square foot premises; that the company has invested approximately \$30,200 for liquor related start up costs, of which said funds were derived from existing corporate accounts; that the projected opening date is mid August, 2013; that there will be approximately 80 employees for this location; that employees receive training; and that he has had no violations during his supervision time since 2001.

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In response to questions from the Board, Mr. Estrada stated that the point of sale system prompts for ID for any beer sales; that they utilize computer based training programs; that anyone appearing under 40 years of age without ID is denied the sale; and that there is no manual override for the system.

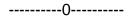
Max Scott, Oedipus, Inc., was sworn and stated the company conducted the petition survey which resulted in 140 favoring, 14 opposing, and 2 no opinion signatures.

Motion by Gorman, second by Frias, that the application of Wal-Mart Stores, Inc. dba Walmart Market #3176 for a 3.2% Beer Off Premises License at 1725 N. Union Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

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# 7. <u>Application of Dal B. Lee dba SL Liquors for a Retail Liquor Store License at 5109 Austin Bluffs Parkway.</u>

See action taken earlier in the meeting.



At 10:06 A.M., there being no further business, the

**BOARD ADJOURNED** 

Lee McRae License Enforcement Officer