COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
JULY 15, 2011 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

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

COMMUNICATIONS

1. There were none.

MINUTES

2. **Approval of the Minutes of the Board meetings of June 17, 2011 and July 1, 2011.**

Mr. Clauss stated that Item No. 7 and 8 of the meeting of July 1, 2011 have the same motion, and requested the motion of Item No. 8 be amended to reflect the appropriate application.

Motion by Clauss, second by Frias, that the Minutes of the Board meeting of June 17, 2011 be approved as written, and the Minutes of the Board meeting of July 1, 2011 be approved as written and amended. The motion unanimously carried. Absent, Mr. Bursell.

CONSENT CALENDAR

3. The City Clerk's Office reported that boundaries were set and a Temporary Permit was issued for the following applications:

A-1. Bassi, LLC dba India Palace Restaurant, 5644 North Academy Boulevard:

North: South side of Fairoak Drive extended
South: North side of Montebello Drive extended
East: West side of Lyncrest Drive extended
West: East side of Cliffside Terrace extended

A-2. Mikey's Bar & Grill, LLC dba Mikey's Bar & Grill, 4348 Montebello Drive:

North: South side of Sprucewood Drive extended
South: North side of Wesley Drive extended
East: West side of Siferd Boulevard extended
West: East side of Driftwood Drive extended

A-3. Hong & YP, Inc. dba Sushi Rakkyo, 9205 North Union Boulevard #2-100:

North: South side of Pinebrook Way extended
South: North side of Research Parkway extended
East: West side of Red Columbine Drive extended
West: East side of Summerhill Drive extended

B-1. Calvin Management, Inc.
dba Uncle Guido's
811 East Cheyenne Mountain Road

Motion by Lloyd, second by Kouba, that the Consent Calendar be approved. The motion unanimously carried. Absent, Mr. Bursell.

TRANSFER APPLICATIONS

4. **Application of Outback Steakhouse of Florida LLC dba Outback Steakhouse #612, to transfer the Hotel and Restaurant Liquor License currently issued to Outback/Denver-I, LP dba Outback Steakhouse, 7065 Commerce Center**.

Attorney Jon Stonebraker entered his appearance on behalf of the applicants of Item Nos. 4 through 8 and stated testimony relating to the company is applicable to all of the items with the exception of Registered Managers; that the transfer applications are the result of changes in the corporate structure of the company, but there will be no changes in operation or finances.

Paul Reynolds, Manager, was sworn and stated he has worked at the restaurant for 14 years; that no violations have occurred while he has managed the business; that staff is trained annually in the sale of alcohol beverages.

Motion by Kouba, second by Frias, that the application of Outback Steakhouse of Florida LLC dba Outback Steakhouse #612, to transfer the Hotel and Restaurant Liquor License currently issued to Outback/Denver-I, LP dba Outback Steakhouse, 7065 Commerce Center, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell.

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5. **Application of Outback Steakhouse of Florida LLC dba Outback Steakhouse #622, to transfer the Hotel and Restaurant Liquor License currently issued to Outback/Denver-I, LP dba Outback Steakhouse, 2835 New Center Pointe.**

Max Nevarez, Manager, was sworn and stated he has been employed by Outback Steakhouse since 1996 and has been a manager since 2009.

Motion by Kouba, second by Frias, that the application of Outback Steakhouse of Florida LLC dba Outback Steakhouse #622, to transfer the Hotel and Restaurant Liquor License currently issued to Outback/Denver-I, LP dba Outback Steakhouse, 2835 New Center Pointe, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell.

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6. **Application of Outback Steakhouse of Florida LLC dba Outback Steakhouse #617, to transfer the Hotel and Restaurant Liquor License currently issued to Outback/Denver-I, LP dba Outback Steakhouse, 2825 Geyser Drive.**

Aimee Helms, Manager, was sworn and stated she has worked for Outback Steakhouse since 1996 and has been a manager since 2006.

Motion by Kouba, second by Frias, that the application of Outback Steakhouse of Florida LLC dba Outback Steakhouse #617, to transfer the Hotel and Restaurant Liquor License currently issued to Outback/Denver-I, LP dba Outback Steakhouse, 2825 Geyser Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell.

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7. **Application of Carrabba's Italian Grill, LLC dba Carrabba's Italian Grill #607, to transfer the Hotel and Restaurant Liquor License currently issued to Carrabba's/Colorado – I LTP, dba Carrabba's Italian Grill, 7120 Campus Drive.**

Jerrod Murchison, Manager, was sworn and stated he has been employed at the establishment three years, and during that time there have been no violations of the Liquor Code.

Motion by Clauss, second by Frias, that the application of Carrabba's Italian Grill, LLC dba Carrabba's Italian Grill #607, to transfer the Hotel and Restaurant Liquor License currently issued to Carrabba's/Colorado-I LTP, dba Carrabba's Italian Grill, 7120 Campus Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell.

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8. **Application of Carrabba's Italian Grill, LLC dba Carrabba's Italian Grill #602, to transfer the Hotel and Restaurant Liquor License currently issued to Carrabba's/Colorado – I LTP, dba Carrabba's Italian Grill, 2815 Geyser Drive.**

Daniel Vondra, Manager, was sworn and stated he has been employed at the establishment four years, and during that time there have been no violations of the Liquor Code.

Motion by Clauss, second by Frias, that the application of Carrabba's Italian Grill, LLC dba Carrabba's Italian Grill #607, to transfer the Hotel and Restaurant Liquor License currently issued to Carrabba's/Colorado-I LTP, dba Carrabba's Italian Grill, 2815 Geyser Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell.

MODIFICATION OF THE PREMISES

9. **Request by Dona Y Perez Corporation dba Jorge's, to Modify the Premises where liquor is served at 2727 West Colorado Avenue.**

George Ayala was sworn and requested this item be postponed to the Board meeting of August 5, 2011.

Motion by Clauss, second by Kouba, that this item be postponed to the Board meeting of August 5, 2011. The motion unanimously carried. Absent, Mr. Bursell.

APPLICATION HEARINGS

10. **Application of Ryder, Inc. dba Bird Dog BBQ, for a Hotel and Restaurant Liquor License at 1645 Briargate Parkway #243.**

Bradford Cleveland was sworn and stated he is sole owner of the business; that he has no criminal history; that has owned another Bird Dog BBQ restaurant at 5984 Stetson Hills for seven years and has never had a Liquor Code violation. He stated he has a six year lease; that he has previously attended TIPS training and his staff will be required to attend formal training; that the establishment is 2260 square feet and seats 48 persons.

Max Scott, Oedipus, Inc., was sworn and stated his company conducted the petition survey which resulted in 51 favoring, 0 opposing, and 0 no opinion signatures.

Motion by Lloyd, second by Frias, that the application of Ryder, Inc. dba Bird Dog BBQ, for a Hotel and Restaurant Liquor License at 1645 Briargate Parkway #243, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell.

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11. **Application of Carlos Miguel's of BG LLC dba Carlos Miguel's Mexican Bar & Grill, for a Hotel and Restaurant Liquor License at 9605 Prominent Point.**

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

Luis Martin was sworn and stated he and Georgina Sedana are co-owners of the business; that $100,000 is being invested and the lease term is seven years; that he has approximately 20 years experience in the restaurant industry; that he currently owns five other restaurants; that he has two prior Liquor Code violations for servers who were underage; that he anticipates approximately 30% of sales to be liquor.

Sylvie Cimino, Liquor Licensing Professionals, LLP was sworn and stated her company conducted the petition survey which resulted in 133 favoring, 4 opposing, and 2 no opinion signatures.

Motion by Frias, second by Clauss, that the application of Carlos Miguel's of BG LLC dba Carlos Miguel's Mexican Bar & Grill, for a Hotel and Restaurant Liquor License at 9605 Prominent Point, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell.

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12. **Application of Kennosh, Inc. dba Lofty's, for a Hotel and Restaurant Liquor License at 287 East Fountain Boulevard #100.**

Kenneth Kennard was sworn and stated he currently owns Olde World Bagel; that this establishment previously held a Beer and Wine license, however, the owner ceased operation; that he has been operating without a liquor license, however, due to customer request, he has applied for a license. He stated $10,000 is being invested to provide liquor inventory and applicable fees; that he is currently reviewing the Liquor Code; that his lease prohibits him from remaining open after 10:00 p.m.; that he has a three year lease term; that the establishment is 1500 square feet and seats 32 persons.

Sylvie Cimino, Liquor Licensing Professionals LLP, stated her company conducted the petition survey which resulted in 136 favoring, 3 opposing, and 4 no opinion signatures. She stated the petition was circulated with the designation of a Beer and Wine license, and it was not until after the survey was submitted, that they were informed the application was for a Hotel and Restaurant License.

Mr. Kouba expressed opposition to accepting the survey without disclosure of the appropriate license type.

Motion by Clauss, second by Frias, that the application of Kennosh, Inc., dba Lofty's for a Hotel and Restaurant Liquor License at 287 East Fountain Boulevard #100, be approved as it appears all criteria has been met.

Ayes: Clauss, Frias, Lloyd, Nemeth, Stephens
Noes: Kouba
Absent: Bursell

Chairman Stephens declared the motion carried.

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13. **Application of LTF Club Operations Company, Inc. dba Lifetime Fitness, for a Beer and Wine Liquor License at 4410 Royal Pine Drive.**

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

Katherine Zembal, Corporate Development Specialist, was sworn.

Jesse Brandyberry, General Manager, was sworn and stated he has worked for the company for eight years; that all servers are formally trained in the sale of alcohol beverages.

Obed Davis, Life Café Department Head, was sworn and introduced himself.

Ms. Zembal stated the establishment is a publicly traded, fitness facility located at Briargate and Powers; that no individual shareholder owns more than 10%; that the facility is approximately 46,000 square feet; that the lease term is 20 years; that the company owns and operates four centers in Colorado, three of which hold liquor licenses. She stated alcohol will be served only during the service of meals; that the second floor fitness area will not have any alcohol service. She outlined the financial investment and corporate structure.

Sylvie Cimino, Liquor Licensing Professionals, LLP stated her company conducted the petition survey which resulted in 119 favoring, 35 opposing, and 9 no opinion signatures.

Motion by Clauss, second by Frias, that the application of LTF Club Operations Company, Inc. dba Lifetime Fitness, for a Beer and Wine Liquor License at 4410 Royal Pine Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell.

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At 10:20 a.m., motion by Clauss, second by Lloyd, that the Board adjourn.

Cindy N. Conway, CMC
Deputy City Clerk