COLORADO SPRINGS, COLORADO COUNCIL CHAMBERS – CITY HALL 107 NORTH NEVADA AVENUE SEPTEMBER 20, 2013 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Stephens, Mr. Clauss, Mr. Davis, Mr. Gorman, and Mr. Nemeth. Members Absent: Ms. Frias and Ms. Holmes. Also present: Board Legal Advisor Britt Haley.

COMMUNICATIONS

1. There was no action taken on this item.

MINUTES

2. Motion by Clauss, second by Davis, that the Minutes of the Board meeting of September 6, 2013 be approved as written. The motion unanimously carried. Absent: Frias, Holmes.

CONSENT CALENDAR

- 3. The City Clerk's Office reports that boundaries were set for the following applications:
 - A. Wild Wings N' Things, LLC dba Wild Wings N' Things, 3609 Austin Bluffs Parkway, #16 & 17:

North: South side of Misty Place extended
South: North side of Carefree Circle extended
East: West side of Rosalie Street extended
West: East side of Goldenrod Drive extended

B. Bella Vita Software Solutions, Inc. dba The Front, 1670 E. Cheyenne Mountain Boulevard, #E:

North: South side of Bristol Avenue extended

South: North side of Cheyenne Mountain Boulevard extended

East: West side of Circle Drive extended

West: East side of Tenderfoot Hill Street extended

C. Peak Place Coffeehouse, LLC dba Peak Place Coffeehouse, 2360 Montebello Square Drive, #H1:

North: South side of Lyncrest Drive extended
South: North side of Collegiate Drive extended
East: West side of Del Rey Drive extended
West: East side of Pine Mesa Grove extended

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D. Hill Top Lounge, Inc. dba Hill Top Lounge, 4829 Barnes Road:

North: South side of Harvest Road extended
South: North side of Artistic Circle extended
East: West side of Willowbrook Road extended

West: East side of Hopeful Way extended

E. The Wild Goose Meeting House, LLC dba The Wild Goose Meeting House, 401 N. Tejon Street:

North: South side of Harvest Road extended
South: North side of Artistic Circle extended
East: West side of Willowbrook Road extended
West: East side of Hopeful Way extended

Motion by Clauss, second by Davis, that the Consent Calendar be approved. The motion unanimously carried. Absent: Frias, Holmes.

TRANSFER APPLICATIONS

4. Application of Z&F, Inc. and 7-Eleven, Inc. dba 7-Eleven Store 15068A to transfer the 3.2% Beer Off Premises License currently issued to 7-Eleven, Inc. dba 7-Eleven Store 15068, 331 S. Hancock Avenue.

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

Sheikh Qaisar was sworn and stated that he is the 100% owner of Z&F, Inc. and 7-Eleven franchisee; that he has no previous experience in the industry, but has had no violations in the time of operating under the temporary permit; that all employees receive certified training, and all persons appearing under the age of 40 are required to show ID; that he is investing \$91,000, of which said funds were derived from personal bank accounts; that he is personally on site most every day during the busiest times; that he has a seven year lease for the 2400 square foot premises; and that an amended diagram reflects a change in the location of the beer coolers in order for the area to have an unobstructed view by the employees.

Motion by Clauss, second by Nemeth, that the application of Z&F, Inc. and 7-Eleven, Inc. dba 7-Eleven Store 15068A to transfer the 3.2% Beer Off Premises License currently issued to 7-Eleven, Inc. dba 7-Eleven Store 15068, 331 S. Hancock Avenue, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Frias, Holmes.

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5. Application of Lala, Inc. dba Texas T Bone to transfer the Hotel and Restaurant Liquor License currently issued to DCI Colorado Spring #2, Inc. dba Texas T-Bone, 5245 N. Academy Boulevard.

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

Louie Joe Anderson was sworn and stated that he is the 100% owner and president of the business; that he has been operating under a temporary license since August 14; that he has been the manager of this location for the last two years under the prior ownership; that the establishment has had no previous violations; that he has a franchise agreement with Texas T Bone; that he has a ten year lease for the 5200 square foot premises; that all employees involved in the sale or service of alcoholic beverages have received certified training; that he will remain the registered manager; that he is investing \$32,000, of which said funds were derived from personal savings and line of credit.

Motion by Clauss, second by Nemeth, that the application of Lala, Inc. dba Texas T Bone to transfer the Hotel and Restaurant Liquor License currently issued to DCI Colorado Spring #2, Inc. dba Texas T-Bone, 5245 N. Academy Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Frias, Holmes.

MODIFICATION OF THE PREMISES

6. Request by Diamond Concessions, Inc. dba Diamond Creations of Colorado to Modify the Premises of the Hotel and Restaurant Liquor License with Optional Premises at 4385 Tutt Boulevard.

Don Giuliano was sworn and stated that he is the president and general manager of the business; that this modification request is to include the 50 foot by 50 foot existing patio area off the lounge area; that the patio area will be fenced with a gate; that he has an annual concessionaire agreement for possession of the premises; that employees do and will continue to monitor and control the service areas.

Sue Duffy Schwall of Liquor Licensing Professionals was sworn and stated the company conducted the petition survey which resulted in 70 favoring, 3 opposing, and 7 no opinion signatures.

Motion by Clauss, second by Nemeth, that the request by Diamond Concessions, Inc. dba Diamond Creations of Colorado to Modify the Premises of the Hotel and Restaurant Liquor License with Optional Premises at 4385 Tutt Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Frias, Holmes.

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NEW APPLICATION HEARINGS

7. <u>Application of Wal-Mart Store, Inc. dba Walmart Market #3175 for a 3.2% Beer Off Premises License at 4142 Austin Bluffs Parkway.</u>

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

Max Scott, Oedipus, Inc., was sworn and stated the company conducted the petition survey which resulted in 163 favoring, 1 opposing, and 2 no opinion signatures.

Donald Fleming was sworn and stated that he is the manager for this location; that the opening date should be November 6, 2013; that he has worked with Walmart for eight years, including approximately four years of supervisory experience where he had no violations of the liquor code; that Walmart has more than 80 licensed locations in Colorado; that they have a 20 year lease for the approximate 42,391 square foot premises through a related entity; that they have invested approximately \$30,200 for liquor related start up costs, of which said funds were derived from existing corporate accounts; that employees are trained with certified in-house programs; that five supervisors monitor the service and sales areas; that signage and monitoring will not allow sales during prohibited hours; that self check out stations require supervisors to check IDs before the sale can proceed; and that each alcohol sale requires ID.

Motion by Clauss, second by Nemeth, that the application of Wal-Mart Store, Inc. dba Walmart Market #3175 for a 3.2% Beer Off Premises License at 4142 Austin Bluffs Parkway, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Frias, Holmes.

At 10:05 A.M., there being no further business, the

BOARD ADJOURNED

Lee McRae License Enforcement Officer Office of the City Clerk