



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Final Liquor and Beer Licensing Board

Friday, April 17, 2015

9:00 AM

City Council Chambers

1. Call to Order

Chairman Kouba called the meeting to order at 9:01 A.M., opened the meeting as a regular session, and stated that a quorum was present with Board Members Davis and Holmes being absent.

Present 5 - Joseph Gorman, Gregory Howard, Randall Kouba, Ian Lee, and Dennis Moore

Absent 2 - Logan Davis, and Dianne Holmes

2. Minutes

2.A. [M2015-04-03](#) Approval of the Minutes of the Liquor Board meeting of April 3, 2015.

Attachments: [2015-04-03 - Liquor Board Meeting Minutes](#)

Motion by Howard, seconded by Gorman, that the Minutes of the Liquor Board meeting of April 3, 2015 be approved as written. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

3. Communications

There was no action on this item.

4. Neighborhood Boundary Consent Calendar

4.A. [B-29059](#) Triple S Brewing, LLC d/b/a Triple S Brewing for a new Brew Pub Liquor License at 318 E. Colorado Avenue.

Attachments: [B-25059 - Triple S Brewing - Liquor Survey Boundary](#)

4.B. [B-29066](#) LZJ, Inc. d/b/a Makino Asian Bistro for a new Hotel and Restaurant Liquor License at 5760 N. Academy Boulevard.

Attachments: [B-29066 - Makino Asian Bistro - Liquor Survey Boundary](#)

Approval of the Neighborhood Boundary Consent Calendar

Motion by Howard, seconded by Moore, that the Neighborhood Boundary Consent Calendar be approved. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

5. Transfer Application Hearings

- 5.A.** [T-722569](#) Application of Mount View, LLC d/b/a Acme Bar & Grill to transfer the Hotel and Restaurant Liquor License currently issued to Mormar, Inc. d/b/a Estela's Mexican Restuarant at 925 S. 8th Street.

Attachments: [T-722569 - Acme Bar & Grill](#)

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

Ashley Deroche was sworn and stated that she is the 100% owner and Managing Member of the business. Ms. Deroche testified to the elements required for the transfer of the Hotel and Restaurant Liquor License, and answered questions from the Board.

Motion by Moore, seconded by Howard, that the application of Mount View, LLC d/b/a Acme Bar & Grill to transfer the Hotel and Restaurant Liquor License currently issued to Mormar, Inc. d/b/a Estela's Mexican Restuarant at 925 S. 8th Street be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

7. Suspension/Revocation Hearings

- 7.A.** [S-1213](#) Suspension/Revocation hearing concerning the Retail Liquor Store License issued to Quality Liquors, LLC d/b/a Quality Liquors, LLC at 2871 N. Murray Boulevard.

Attachments: [S-1213 - Quality Liquors](#)

Chairman Kouba Called this item out of order.

City Prosecution Attorney Michael Curran entered his appearance of behalf of the City.

Attorney William Holtz entered his appearance on behalf of the licensee.

Mr. Curran stated that the City and the Licensee have reached a stipulated agreement. Mr. Curran submitted the signed stipulated agreement reflecting

an admission of violation as outlined in the Order to Show Cause for sales to a minor, and submitted a proposed Findings, Conclusion and Order that mirrors the stipulated violations and penalty.

Mr. Holtz confirmed the licensee's understanding and conditions of the stipulated agreement, and answered questions from the Board.

Motion by Howard, seconded by Lee, that the Board accept the Stipulation and Admission of Violation for a Sale to Minor on February 5, 2015. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

Motion by Howard, seconded by Lee, that the Retail Liquor Store License issued to Quality Liquors, LLC d/b/a Quality Liquors, LLC at 2871 N. Murray Boulevard be suspended for 10 days, with 5 days being held in abeyance for one year, and 5 active days to be served beginning Friday, April 17, 2015 at 12:00 P.M. and ending on Wednesday, April 22, 2015 at 12:00 P.M., and that the premises be posted in accordance with Regulation 47-600(F). The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

Transfer Application Hearings - Continued

- 5.B.** [T-722599](#) Application of Quick-Way Retail Associates II, Ltd. d/b/a Valero Diamond Shamrock to transfer the 3.2% Beer Off Premises License currently issued to CST Metro, LLC d/b/a Diamond Shamrock Corner Store #0673 at 712 E. Fillmore Street.

Attachments: [T-722599 - Valero Diamond Shamrock \(Fillmore\)](#)

Attorney Kelley Elefant entered her appearance on behalf of the applicant.

Robert Zipperstein was sworn and stated that he is the District Manager for the company. Mr. Zipperstein testified to elements required for the transfer of the 3.2% Beer Off-Premises License, and answered questions from the Board.

Motion by Gorman, seconded by Howard, that the application of Quick-Way Retail Associates II, Ltd. d/b/a Valero Diamond Shamrock to transfer the 3.2% Beer Off Premises License currently issued to CST Metro, LLC d/b/a Diamond Shamrock Corner Store #0673 at 712 E. Fillmore Street be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

- 5.C.** [T-722600](#) Application of Quick-Way Retail Associates II, Ltd. d/b/a Valero Diamond Shamrock to transfer the 3.2% Beer Off Premises License currently issued to CST Metro, LLC d/b/a Diamond Shamrock Corner Store #4071 at 5790 Carefree Circle.

Attachments: [T-722600 - Valero Diamond Shamrock \(Carefree\)](#)

Attorney Kelley Elefant entered her appearance on behalf of the applicant.

Robert Zipperstein was sworn and stated that he is the District Manager for the company. Mr. Zipperstein testified to elements required for the transfer of the 3.2% Beer Off-Premises License, and answered questions from the Board.

Motion by Gorman, seconded by Moore, that the application of Quick-Way Retail Associates II, Ltd. d/b/a Valero Diamond Shamrock to transfer the 3.2% Beer Off Premises License currently issued to CST Metro, LLC d/b/a Diamond Shamrock Corner Store #4071 at 5790 Carefree Circle be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

6. New Application Hearings

- 6.A.** [N-28946](#) Application of Quick-Way Retail Associates II, Ltd. d/b/a Valero Diamond Shamrock for a new 3.2% Beer Off Premises License at 3808 E. La Salle Street.

Attachments: [N-28946 - Valero Diamond Shamrock \(La Salle\)](#)

Attorney Kelley Elefant entered her appearance on behalf of the applicant.

Max Scott of Oedipus, Inc. was sworn and stated that his company conducted a petition survey of the defined neighborhood boundary which resulted in 155 favoring, 25 opposing, and 7 no opinion signatures.

The City Clerk's Office presented its audit of the petition survey which resulted in no variance to the signatures submitted.

Robert Zipperstein was sworn and stated that he is the District Manager for the company. Mr. Zipperstein testified to elements required for the transfer of the 3.2% Beer Off-Premises License, and answered questions from the Board.

Motion by Gorman, seconded by Howard, that the application of Quick-Way Retail Associates II, Ltd. d/b/a Valero Diamond Shamrock for a new 3.2% Beer Off Premises License at 3808 E. La Salle Street be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

8. Adjourn.

At 9:43 A.M., there being no further business, the Board Adjourned.

Lee McRae, License Enforcement Officer