

Liquor Licensing Authority

Meeting Minutes

November 3, 2023 at 2:00 PM

via Zoom

1. Call to Order

Liquor Licensing Authority, Mark Gonzales called the meeting to order at 2:01 PM. The meeting was conducted virtually via Zoom.

Staff Present included Sr. Assistant City Clerk Allie Powell, Assistant City Attorney Lucas Corliss, and Assistant City Attorney Ned Chapin.

2. **Show Cause Hearing for an Existing Hotel & Restaurant Liquor License Held by Blue Mug Coffee Bar LLC DBA Out of the Blue, 4111 Centerplace Dr. Unit D. - Request for Continuation to December 8, LLA Hearing.**

The Liquor Licensing Authority granted the continuation request and continued this item to the December 8, 2023 LLA Hearing.

3. **how Cause Hearing for an Existing Tavern Liquor License Held by Bear Country Saloon LLC DBA Bears Country Saloon/Gentry's, 813 9th Street. - Request for Continuation to December 8, LLA Hearing.**

The Liquor Licensing Authority granted the continuation request and continued this item to the December 8, 2023 LLA Hearing.

4. **Show Cause Hearing for an Existing Hotel & restaurant Liquor License Held by Penalty Box at 9th & 9th LLC DBA The Box/ The Jager, 822 9th Street. - Request for Continuation to December 8, LLA Hearing.**

The Liquor Licensing Authority granted the continuation request and continued this item to the December 8, 2023 LLA Hearing.

5. **Show Cause Hearing for an Existing Hotel & Restaurant Liquor License Held by Roma West LLC DBA Roma West LLC, 5750 W 10th Street.**

The Liquor Licensing Authority approved the stipulation agreement entered into between the City and the licensee prior to the hearing and dismissed this item.

6. **Show Cause Hearing for an Existing Retail Liquor Store Liquor License Greeley West Side Liquor Inc. DBA Greeley West Side Liquor Inc., 3017 W 10th Street.**

The Liquor Licensing Authority approved the stipulation agreement entered into between the City and the licensee prior to the hearing and dismissed this item.

7. **Show Cause Hearing for an Existing Hotel & Restaurant Liquor License Held by Old Chicago Taproom II LLC DBA Old Chicago #10, 2349 W 29th Street.**

The Liquor Licensing Authority approved the stipulation agreement entered into between the City and the licensee prior to the hearing and dismissed this item.

8. Show Cause Hearing for an Existing Hotel & Restaurant Liquor License Held by Cruisers Inc. DBA Cruisers Inc., 1020 28th Avenue #109 B.

Those present for the licensee included the owner of the business, Sebastian Gallindo Sr. as well as his son Sebastian Gallindo Jr.

The Licensee noted a vision impairment issue that prevented him from getting into contact with the City Attorney's Office prior to the hearing. The City attorney's office made note of accommodations to ensure future correspondence is accessible to the licensee.

The Liquor Licensing Authority continued this item to the December 8, 2023 LLA hearing to allow the licensee time to get in touch with the City Attorney's Office.

9. Public Hearing to Consider A New Hotel & Restaurant Liquor License Application by Tuxpena Rest LLC DBA Carniceria La Tuxpena/Tradicional Restaurant, 2319 8th Avenue.

Those present for the applicant included Tom Grant, the attorney for the applicant and Cindy Aboytes the 100% owner of the LLC.

Each individual for the applicant, as well as all witnesses called were sworn in prior to speaking.

Ismayr Membreno from Propio Language Services was present to interpret for the applicant and was sworn in, however the applicant chose to forgo the use of an interpreter.

Mr. Grant began by asking Ms. Aboytes a series of questions to clarify some of the concerns expressed in the report.

Judge Gonzales asked clarifying questions regarding the criminal history found in the applicant's background check as well as questions about the diagram submitted for the proposed licensed premises.

The City Attorney's Office asked questions regarding operations of the restaurant, discrepancies in financial information provided in the withdrawn 2022 Transfer of Ownership application compared to the current New Application, the restaurant's Facebook page, and the sales tax and business licensing accounts for the restaurant.

Mr. Grant called Hugo Galvan, the landlord for the restaurant to answer questions regarding the lease and the plan to build a wall separating the restaurant and meat market.

The City Attorney's Office called AnnAlyse Garvey, Liquor Enforcement Technician with the Greeley Police Department, to answer questions and speak to the memo provided in the record. Mr. Grant also asked clarifying questions regarding Ms. Garvey's position, experience, etc.

The City Attorney's Office Called Michael Kibbee, Sales Tax & Revenue Manager for the City of Greeley to answer questions regarding sales tax and business licensing accounts linked to the restaurant. Mr. Grant also asked clarifying questions regarding Mr. Kibbee's position and his review of the liquor license application provided in the Clerk's report.

Mr. Grant requested a brief pause as his client had to step out, and the hearing was paused for 3 minutes.

The Public Comment portion of the hearing was opened at 3:31 PM.

There was no one present that wished to speak during the public comment portion of the hearing.

The Public Comment portion of the hearing was closed at 3:31 PM.

The City Attorney's Office objected to the liquor license being granted as it appears Ms. Aboytes is not the owner or operator of the business, rather she had put her name on the license for her mother Silvia Rivas who is the true owner/operator of the business. The City Attorney's Office also expressed concerns that the applicant has had alcohol on the premises without a valid liquor license, demonstrating a lack of knowledge of State and Local Laws.

The Liquor Licensing Authority Approved the new license application by Tuxpena Rest LLC DBA Carniceria La Tuxpena/Tradicional Restaurant contingent on the applicant passing a final building inspection and obtaining all applicable business and sales tax licenses with the City. The applicant was given a deadline of Friday, December 1, 2023 to submit a building plan approved by the City to the City Clerk's Office and to obtain business and sales tax licensing as well as file and pay all subsequent back taxes owed to the City. The applicant was also given a deadline of January 12, 2024 to complete construction of the wall separating the two units in the building.

10. Public Hearing to Consider A New Tavern Liquor License Application by Pura Vida Bar LLC DBA Pura Vida Bar, 818 9th Street.

Those present for the applicant included Alejandro Gonzales, a 15% owner of the business, Luic Limas, a 15% owner of the business, and Luis Ochoa, a 35% owner of the business. Each individual was sworn in prior to speaking.

The Clerk's report was read into the record.

Judge Gonzales asked clarifying questions regarding the food to be served at the business as well as the Needs & Desires efforts conducted in the neighborhood and the provided diagram of the proposed premises.

The City Attorney's Office also asked questions regarding food service at the establishment, Needs & Desires, and ongoing construction of the building.

Judge Gonzales asked questions regarding criminal history not disclosed in Mr. Ochoa's IHR.

The Public Comment portion of the hearing was opened at 4:14 PM.

There was no one present that wished to speak during the public comment portion of the hearing.

The Public Comment portion of the hearing was closed at 4:15 PM.

The City Attorney's Office had no objection to the liquor license being granted despite the number of Needs & Desires met were low for the area.

The Liquor Licensing Authority Approved the new license application by Pura Vida Bar LLC Pura Vida Bar, contingent on the applicant passing a final building inspection.

11. Public Hearing to Consider A New Tavern Liquor License Application by El Baile LLC DBA El Baile Nightclub, 119 18th Street.

Those present for the applicant included Daniel Trevino, the attorney for the applicant, Susano Morales, the 90% owner of the LLC and Marilyn Morales, the 10% owner of the LLC.

Hearing. The minutes from the meeting were approved.

Paul, Employee ID Number 9323, from Language Line Services was present to interpret for the applicant and was sworn in.

The Clerk's Report was read into the record.

Mr. Trevino called Marilyn Morales to speak and asked her a series of questions pertaining to her role in the business and operations of the business.

The City Attorney's Office asked questions regarding the previous business Mr. Morales operated in Garden City, El Bandido Nightclub as well as whether minors will be permitted in the new establishment.

Mr. Trevino called Susano Morales, who provided a statement and then was asked a series of questions by Mr. Trevino.

The City Attorney's Office called AnnAlyse Garvey, Liquor Enforcement Technician with the Greeley Police Department, to answer questions and speak to the memo provided in the record. Mr. Trevino also asked clarifying questions of Ms. Garvey.

The Greeley Police Department expressed concerns regarding the proximity of El Baile to the existing Tavern liquor license for Rancho El Corazon.

The Public Comment portion of the hearing was opened at 5:46 PM.

There was no one present that wished to speak during the public comment portion of the hearing.

The Public Comment portion of the hearing was closed at 5:46 PM.

The City Attorney's Office objected to the liquor license being granted as it may cause an undue concentration of the same type of license in the area.

The Liquor Licensing Authority granted the new license application by El Baile LLC DBA El Baile Nightclub.

12. Approval of Minutes

The Liquor Licensing Authority reviewed the meeting minutes from the October 13 LLA Hearing. The minutes from the meeting were approved.

13. Consideration of the Proposed Hearing Schedule for 2024

The Liquor Licensing Authority approved the proposed 2024 Hearing Schedule with no changes.

11. Adjournment

The meeting was adjourned at 6:04 PM.

Approved:



Mark Gonzales, LLA Hearing Officer

Attest:



Allie Powell, Sr. Assistant City Clerk