



TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY FEBRUARY 14, 2012
MEETING BEGINS AT 5 PM
AVON TOWN HALL, ONE LAKE STREET

PRESIDING OFFICIALS

CHAIRMAN RICH CARROLL
VICE CHAIRMAN KRISTI FERRARO
BOARD MEMBERS DAVE DANTAS, CHRIS EVANS, TODD GOULDING
AMY PHILLIPS, ALBERT "BUZ" REYNOLDS, JR.


TOWN STAFF

TOWN ATTORNEY: ERIC HEIL TOWN MANAGER: LARRY BROOKS TOWN CLERK: PATTY MCKENNY

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 COMMENTS FROM THE PUBLIC ARE WELCOME DURING PUBLIC HEARINGS
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- 1. ROLL CALL**
- 2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**
- 3. PUBLIC HEARING ON NEW HOTEL AND RESTAURANT LIQUOR LICENSE**
 - a. Applicant: Debbie Marquez Restaurants LLC d/b/a Café de Luna by Debbie Marquez
 Address: 47 E. Beaver Creek Blvd., Units #13 & #14, Christie Lodge
 Manager: Deborah K. Marquez
 Types: Hotel & Restaurant Liquor License
 Permit Application for Retail Warehouse Storage Permit (Informational Only and Obtains Colorado Liquor Enforcement Division Approval Only)
- 4. RENEWAL LIQUOR LICENSES**
 - a. Applicant: Fiesta Jalisco Numero Tres, LLC d/b/a Fiesta Jalisco
 Address: 240 Chapel Place, B129
 Manager: Ricardo Aragon
 Type: Hotel & Restaurant Liquor License
- 5. CONSENT AGENDA:**
 - a. Minutes from January 24, 2012
- 6. ADJOURNMENT**

Memo

To: Avon Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
cc: Eric Heil, Town Attorney
From: Debbie Hoppe, Deputy Town Clerk
Patty McKenny, Assistant Town Manager Management Services 
Date: February 8, 2012
Re: PUBLIC HEARING for new Hotel and Restaurant Liquor License for Debbie Marquez Restaurants, LLC d/b/a Café de Luna by Debbie Marquez

Summary:

Town Council acting as the Local Liquor Licensing Authority is asked to consider the liquor license application for the following new hotel and restaurant liquor license:

Applicant: Debbie Marquez Restaurants, LLC d/b/a Café de Luna by Debbie Marquez
Address: 47 E. Beaver Creek Blvd. Unit #13-14
Manager: Debbie Marquez
Type of License: Hotel and Restaurant License

A Public Hearing is required for this agenda item.

Background on the Role of Liquor Licensing Authority in Consideration of New Licenses:

The Avon Town Council acting as the Local Liquor Licensing Authority has the duty to conduct hearings and make findings of fact as to whether to grant or deny a new local liquor license. The State Licensing Authority cannot grant or issue any "new license" until the Authority has first approved the application by conducting a hearing for such license. If the Authority denies the application, the Executive Director of the State of Colorado cannot override its decision. If the Authority approves a license, the State Licensing Authority cannot refuse to issue the license except upon hearing with a 15-day notice to the applicant and the Authority. Once the state license is received by the Town Clerk's Office and the Certificate of Occupancy has been received from the Building Department, the Town and State licenses can be issued.

The Town Clerk, Town Attorney and Police Department handle the review of the liquor license applications administratively. A "Report of Findings" is completed by the Town Clerk & provided the applicants five days prior to the hearing. The Authority members are provided the application materials when it appears on the Liquor Board Agenda. A public hearing is conducted for all new applications. The Local Authority's decision is usually given at the conclusion of the hearing although it may be delayed. The decision must be given in writing within 30 days after the date of the hearing and may follow in the form of a resolution. The motion to approve or disapprove should be explicit stating the exact reasons for denial or approval. A motion to deny a license must be based on evidence presented at the hearing.

The Liquor Code of Colorado provides that in making any decision, the Local Licensing Authority must consider the following before approving or denying the application:

- Facts and evidence resulting from the investigation and any facts brought to the attention of the Authority.
- The reasonable requirements of the neighborhood
- The desires of the inhabitants of the neighborhood.
- The number, type and availability of liquor outlets located in or near the neighborhood under consideration.
- Any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

Requests for licenses may be denied for various reasons such as the applicant is not of good moral character, the applicant's character, record, or reputation is unsatisfactory, or the proposed outlet is within 500 feet of any school.

Background on Applications:

Attached is the "Report of Findings" for this application which was hand delivered to Café de Luna by Debbie Marquez on Wednesday, February 8, 2012. The Town Clerk and Town Attorney have reviewed the application for complete information and notice was posted on the premise and published in the Vail Daily as documented in the report of findings. The Avon Police Department has conducted the background investigations on the principal and a report is attached, there were no concerns. We are still awaiting the results from the Colorado Bureau of Investigation. The applicant has submitted a diagram of the premises which includes licensing the restaurant, outdoor patio and atrium area locations of the Christie Lodge. The applicant has also submitted a "Permit Application" for a "Retail Warehouse Storage Permit" which allows for the storage of vinous and spirituous liquors in a separate location; this is issued by the State Liquor Enforcement Division. The application is provided to the Liquor Authority as informational only and does not require any separate action.

Discussion:

The information in the report addresses how the applicant has met the criteria outlined in Section 5.08 Liquor Licenses of the Avon Municipal Code and the State Liquor and Beer Code. The report indicates that the applicant has the burden of proving he/she is qualified to hold the license. The applicant also has the burden of proving that the reasonable requirements of the neighborhood and the desires of the community require the granting of the license. A petition survey has been submitted; this information will assist in the determination of the "desires & needs of the neighborhood". It is noted that the results of these petitions reflect forty-seven people who were in support of the license and none opposing the license. The applicant, Debbie Marquez, will attend the meeting. If the Authority decides to approve the application, a resolution is attached, which if adopted takes this action.

Financial Implications:


The application fees have been submitted for both the Town liquor license fees and for the State liquor license fees. A concurrent review of the application by the State of Colorado has been requested; those fees have been paid as well. There are also renewal fees the party pays at the time the license is renewed on an annual basis. Sales tax revenue will be also be submitted by the establishment.

Town Manager Comments:

Exhibits for the Application are as follows:

1. Report of Findings
2. Resolution
3. Colorado Liquor License Application
4. Individual History Record & Report from Avon Police Department
5. Diagram of Premises
6. Commercial Lease
7. Secretary of State Certificate and Articles of Organization
8. Operating Agreement
9. Petition
10. Permit Application for Retail Warehouse Storage Permit

Memo

To: Avon Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
cc: Eric Heil, Town Attorney
From: Debbie Hoppe, Deputy Town Clerk
Patty McKenny, ATM Management Services 
Date: February 8, 2012
Re: Renewal of Liquor Licenses

Summary:

The Town Council serving as the Avon Liquor Licensing Authority will consider the following liquor license applications for renewal at its board meeting next week:

- a. Applicant: Fiesta Jalisco Numero Tres, LLC d/b/a Fiesta Jalisco
Address: 240 Chapel Place, B129
Manager: Ricardo Aragon
Type: Hotel & Restaurant Liquor License

Background & Discussion:

Colorado Liquor Code, 12-47-302, provides for guidelines related to liquor licensing renewals; applications for the renewal of an existing license shall be made to the local licensing authority. The Town Clerk, Town Attorney, and Police Department have reviewed the applications submitted referenced above and the materials are in order. The Police Report results are summarized below:

- a. Fiesta Jalisco had no negative law enforcement contacts in past year.

The Liquor Authority Board has broad discretion to consider any character issues related to the licensee holder at renewal in the same manner as granting a license. There have been various types of behavior, such as failure to pay taxes and fraud that have been held in the courts as valid reason to find the applicant does not possess character. The Colorado Liquor Code §12-47-302 sets forth the local authority's ability to hold a hearing on the application for renewal.

Ricardo Aragon the manager respectively, has been invited to attend the Liquor Board meeting.

Financial Implications:

There are local and state liquor licensing fees associated with renewal applications that have been submitted to the Town.

Town Manager Comments:

Attachments:

- State of Colorado Forms for Liquor License Renewals
- Avon Police Department Background Memo & Incident / Investigation Report

**TOWN OF AVON, COLORADO
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING
HELD JANUARY 24, 2012**

The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5 PM at the Avon Town Hall, One Lake Street, Avon, Colorado. A roll call was taken and Board members of the Authority present were Rich Carroll as Chairperson, and Board members Dave Dantas, Chris Evans, Amy Phillips and Buz Reynolds. Kristi Ferraro, Todd Goulding absent.

PUBLIC HEARING ON SPECIAL EVENTS PERMIT

- a. Applicant: the Realm of Caring, Inc.
Event Name: the Snowball Music Festival
President of Organization: Chris Davis
Event Managers: Chad Donnelly, Scott Stoughton, Rob Thomas
Location: Harry A. Nottingham Park
Type: Malt, Vinous & Spirituous Liquors
Event Dates & Times: Friday, March 2, 2012: noon until 10 pm
 Saturday, March 3, 2012: noon until 10 pm
 Sunday, March 4, 2012: noon until 8 pm

Mayor Carroll presented the item and noted the special event liquor permit application would require a public hearing and all the materials were in order. Scott Stoughton spoke the event including the map for the event. Police Chief Ticer noted that personnel would be increased and that additional resources would be staged at the gates. He noted that there would also be agents from State Liquor Enforcement Division as well as representatives from the Eagle River Youth Coalition. Chief Ticer noted that many education components that will be in effect this year. There was also clarification about the background checks that reported some of the violations that occurred at the event were not necessarily tied to the actions of the promoters whose backgrounds were checked with any concerns. Chairman Carroll opened the public hearing, no comments were made, the hearing was closed. Danita Chirichillo, Special Event Supervisor, pointed out that two new tents would be used for music, one in front of town hall and one in the parking area of the Recreation Center. Scott Stoughton also noted that their website is hosting a great deal of information about how to attend the event safely. Chief Ticer also noted that the sale of the liquor should cease 30 minutes prior to the end of the event. Board member Dantas moved to approve the special event permit for the Realm of Caring, Inc. Snowball Music Festival; Board member Phillips seconded the motion and it passed unanimously(Ferraro and Goulding absent).

RENEWAL LIQUOR LICENSES

- a. Applicant: 7-Eleven, Inc. d/b/a 7-Eleven 34209
Address: 008 Nottingham Road
Manager: Maria Portarescu
Type: 3.2% Beer Retail Off-Premises Beer License

Mayor Carroll noted that the application materials were in order. Board member Evans moved to approve the 3.2% Beer Retail Off-Premises Beer License for 7-Eleven, Inc. d/b/a 7-Eleven 34209; Board member Reynolds seconded the motion and is passed unanimously by those present (Ferraro and Goulding absent).

CONSENT AGENDA:

Chairman Carroll asked for a motion for the consent agenda. Board member Phillips moved to approve the consent agenda; Board member Evans seconded the motion and it passed unanimously.

- a. Minutes from January 24, 2012

There being no further business to come before the Board, the meeting adjourned at 5:15 PM.

RESPECTFULLY SUBMITTED:

Patty McKenny, Secretary

APPROVED:

Rich Carroll
Dave Dantas
Chris Evans
Kristi Ferraro
Todd Goulding
Amy Phillips
Albert "Buz" Reynolds

