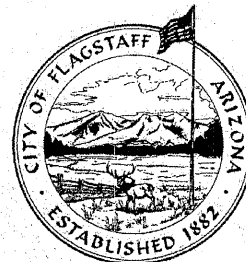


CITY OF FLAGSTAFF STAFF SUMMARY REPORT



To: The Honorable Mayor and City Council
From: Laura Matthews, Deputy City Clerk, 213-4828
Date: June 5, 2008
Meeting Date: June 17, 2008

Title: Consideration of Liquor License Application: Alexander Mowl, "Cafe Olé", 121 S. San Francisco Street, Series 07, Person Transfer.

Recommended Action:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
 - (2) Forward the application to the State with no recommendation; or
 - (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.
-

ACTION SUMMARY:

The Council's action will depend on testimony received at the public hearing, to be conducted under the attached Liquor License Application Hearing Procedures.

DISCUSSION:

Background/History:

- An application for Series 07 Person Transfer liquor license was received from Alexander Mowl on behalf of Café Olé, 121 S. San Francisco St., (Map is attached.)
- A background investigation performed by Sgt. Walter Miller of the Flagstaff Police Department resulted in a recommendation for approval.
- A background investigation performed by Travis Hough, Code Compliance Officer, resulted in no active enforcement issues being noted.
- Sales tax and licensing information was reviewed by Steve Shafer, Tax, Licensing & Revenue Administrator, who stated that the business is in good standing.

Key Considerations:

- Because the application is for a person transfer, consideration may be given only to the applicant's personal qualifications, and not to the location.
- A Series 07 license allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.
- The deadline for issuing a recommendation on this application is June 20, 2008.

Community Benefits and Considerations:

- This business contributes to the tax base of the community.
- We are not aware of any other relevant considerations.

Community Involvement:

- The application was properly posted on May 21, 2008.
- No written protests have been received to date.

Financial Implications:

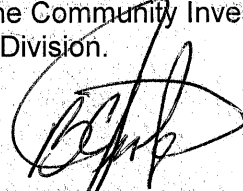
- There is no budgetary impact to the City of Flagstaff.

Options and Alternatives:

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Attachments/Exhibits:

- City of Flagstaff Liquor License Application Hearing Procedures.
- Arizona Dept. of Liquor Licenses and Control description of series.
- Map of the vicinity containing geographical data.
- Copy of the investigative memo from the Flagstaff Police Department.
- Copy of the investigative memo from the Community Investment Division.
- Copy of the memo from the Sales Tax Division.



Department Head *(Acknowledgment that all reviews have been completed and required approvals initialed below.)*

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
_____	BIDS/PURCHASES	_____	_____	FINANCE/BUDGET	_____
_____	GRANTS	_____	_____	CONTRACTS	_____
_____	LEGAL	_____	_____	IGAS	_____

DATE OF COUNCIL APPROVAL: _____



City of Flagstaff

Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

License Types: Series 07 Beer and Wine Bar License

Transferable (From person to person and/or location to location within the same county only)

On & off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:

Allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar.

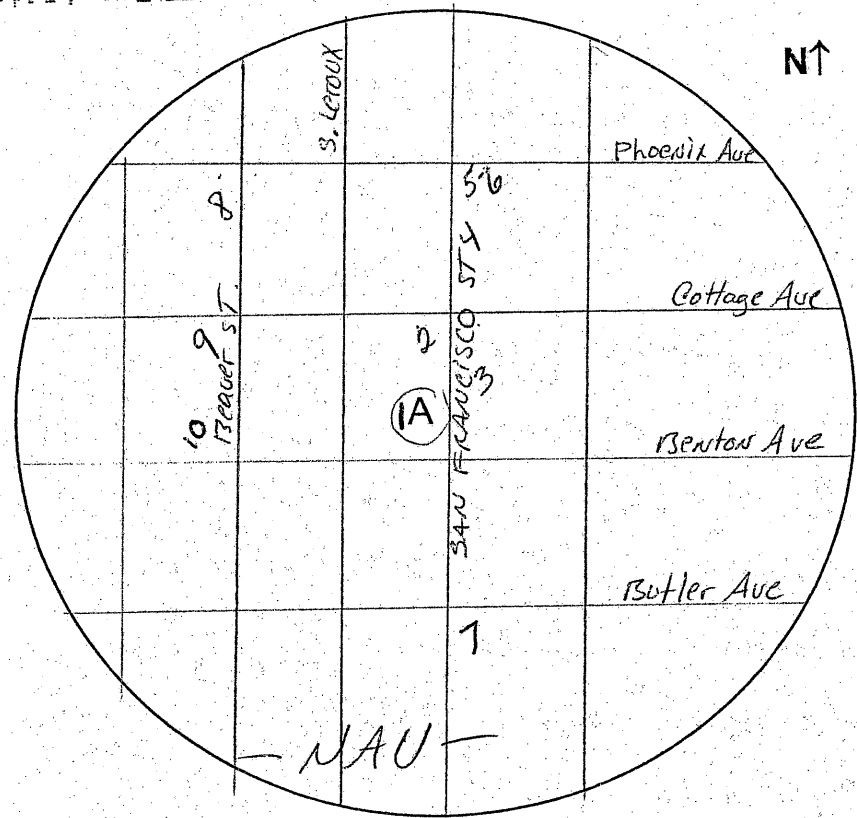
Bar, beer and wine bar and restaurant licensees must pay an annual surcharge of \$20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.

List below the exact names of all churches, schools, and spirituous liquor outlets within a one mile radius of your proposed location. Ref. A.R.S. 4-201 (B)

08 APR 21 11:47 AM 2008

1. Applicant series 7
2. MAD Italian series 6
3. THE JOINT series 6
4. BORROWAIK ?
5. DARA TAI series 6
6. Western Post series 9
7. CONOCO Gas series 9+10
8. Beav Street Brewery series 6
9. Nimarcos Pizza series 7
10. ~~XXXXXXXXXXXXXXXXXXXX~~
11. Flagstaff Christian Fellowship
12. _____
13. _____
14. _____
15. _____



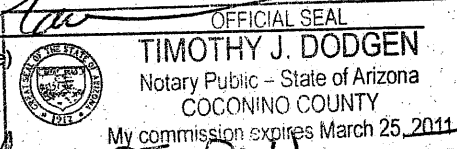
A = Your business name and identify cross streets.

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 17 Signature Block:

I, Alexander S Mowl, declare that: 1) I am the APPLICANT (Owner, Agent, Partner, Stockholder (10% or more), Member, Officer (10% or more ownership), or Club Member making this application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that to the best of my knowledge and belief, none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

X AM Mowl
(Signature)



State of Arizona County of Coconino

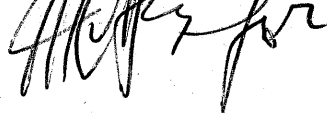
The foregoing instrument was acknowledged before me this 31st day of March, 2008
Day Month Year

- My commission expires on: March 25, 2011

Timothy J. Dodgen
(Signature of NOTARY PUBLIC)

MEMORANDUM

08-086-01

TO CHIEF BRENT COOPER 
FROM SGT. W. MILLER
DATE MAY 29, 2008
REF LIQUOR LICENSE APPLICATION FOR CAFÉ OLE

On May 29, I initiated an investigation into an application for a interim permit and person to person transfer for a series seven (beer & wine) filed by Alexander Mowl owner/agent for Café Ole, located at 121 S. San Francisco. Hernandez hopes to transfer the liquor license currently held by Gloria Aguinaga who is the current owner/agent of the restaurant, located (Lic#07030056)

A local query on Mowl was conducted and no derogatory records were located

Mowl has completed a liquor license training program on 3/11/08. Based on this investigation I can find no reason to oppose this application.



Planning and Development Memorandum

May 23, 2008

TO: Laura Matthews, Deputy City Clerk

THROUGH: Roger E. Eastman *[Signature]* AICP, Zoning Administrator

FROM: Travis H Hough Jr., Code Compliance Officer II

RE: Application for Liquor License #07030056
119 N. San Francisco ST., Flagstaff, Arizona 86001
Assessor's Parcel Number 103-08-024A
"Cafe Ole"

This application is a transfer for a Series 07 Restaurant License, for a restaurant named "Cafe Ole".

The property is located in the C-2-E, COMMUNITY COMMERCIAL ESTABLISHED zoning district which permit restaurants.

This is an established restaurant that is applying to transfer a liquor license. There are no active Code violations associated with the restaurant at this time.

Memo

To: Laura Matthews, Deputy City Clerk
From: Steve Shafer, Tax, Licensing & Revenue Administrator
Date: June 3, 2008
Re: Liquor License Application for Café Ole



This business has applied for a city Transaction Privilege (Sales) tax license. The license has been approved and issued. At this time this business is not delinquent with their city sales tax and is in good standing.

Memos/liquor licenses/café ole