

AGENDA ITEM #: _____

DATE: March 16, 2015

COAC #: 15-5554

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

**SUBJECT: Application for a Series 09S
liquor license for Wal-Mart Super
Center #5369 and Wal-Mart
Neighborhood Market #3604**

STAFF PRESENTER: Sue Brungardt,
Deputy City Clerk
COMPANY
CONTACT: N/A

RECOMMENDATION:

1. Approve a request from Clare Hollie Abel, for a Series 09S liquor license #09070111S, for Wal-Mart Supercenter #5369, located at 1100 North Estrella Parkway, Goodyear, AZ 85338 (Generally located on the west side of North Estrella Parkway just south of I-10).
2. Approve a request from Clare Hollie Abel, for a Series 09S liquor license #09070448S for Wal-Mart Neighborhood Market #3604, located at 14200 West Indian School Road, Goodyear, AZ 85395 (Generally located on the northwest corner of Indian School Road and Litchfield Road).

PURPOSE:

Clare Hollie Abel, applicant for Wal-Mart Supercenter #5369 and Wal-Mart Neighborhood Market #3604, has applied for a Series 09S liquor license for each location. These locations currently hold an active Series 09 liquor license, and the applicant is requesting to add sampling privileges to the current licenses. (Sue Brungardt, Deputy City Clerk)

BACKGROUND AND COMMUNITY BENEFIT:

These businesses contribute to the tax base of the community.

PREVIOUS ACTIONS AND DISCUSSION:

According to A.R.S §4-206.01(J) a liquor store licensee that holds a license with sampling privileges may provide spirituous liquor sampling subject to the following requirements:

1. Any open product shall be kept locked by the licensee when the sampling area is not staffed.
2. The licensee is otherwise subject to all other provisions of this title. The licensee is liable for any violation of this title committed in connection with the sampling.
3. The licensed retailer shall make sales of sampled products from the licensed retail premises.
4. The licensee shall not charge any customer for the sampling of any products.
5. The sampling shall be conducted under the supervision of an employee of a sponsoring distiller, vintner, brewer, wholesaler or retail licensee.
6. Accurate records of sampling products dispensed shall be retained by the licensee.

7. Sampling shall be limited to three ounces of beer or cooler-type products, one ounce of wine and one ounce of distilled spirits per person, per brand, per day.
8. The sampling shall be conducted only on the licensed premises.

Upon owner or location transfer of a Series 9 license, all sampling privileges cease and the new owner of the series 9 license must apply for sampling privileges.

These applications were properly posted for the State mandated 20-day period. Any petitions or protests pursuant to A.R.S. 4-201 (b) received during the 20-day posting period will be added to this report.

The applicant has submitted the proper paperwork. There is no information at this time that would prohibit the applicant from obtaining this license.

Staff has been informed that Wal-Mart will hire a company to conduct the tastings. The employees of the company will have completed the State liquor training course and certification. ID will be required for every individual who enters the sampling area. The sampling area will be located in close proximity to the storage area where liquor that is being offered in the sampling is located. The specific area will vary somewhat from store-to-store.

The City Council's recommendation of approval, denial or no recommendation will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant will be issued their license from the State approximately three weeks after council approval.

The application has been routed to Police, Fire, Code Enforcement, and Community Development. (Attachment A)

The completed application is on file in the office of the City Clerk.

FISCAL ANALYSIS:

According to A.R.S §4-206.01(J), "A city or town shall not charge any fee relating to the issuance or renewal of a sampling privilege."

This business will generate tax revenue from Sales Tax and Transient Lodging, Dining and Beverage Tax.

ATTACHMENTS:

None.