

AGENDA ITEM #: \_\_\_\_\_

DATE: September 23, 2019

CAR #: 2019-6757



## CITY COUNCIL ACTION REPORT

**SUBJECT:** Application for a new Series 12 liquor license for Federico's Mexican Food

**STAFF PRESENTER(S):** Darcie McCracken, City Clerk

**OTHER PRESENTER(S):** Isidro Araiza-Pinales, agent, AB NG Family LLC

**Summary:** The applicant is requesting a recommendation of approval for a new Series 12 (Restaurant) liquor license.

**Recommendation:** Recommend approval to the Arizona Department of Liquor Licenses and Control of Application No. 71641, a request from Isidro Araiza-Pinales, agent for AB NG Family LLC, dba Federico's Mexican Food, for a new Series 12 liquor license located at 1360 South Cotton Lane, Goodyear, Arizona 85338 (Generally located south of the southwest corner of West Yuma Road and South Cotton Lane).

**Fiscal Impact:** The applicant paid the \$635 application fee for the liquor license per the Goodyear Municipal User Fee Schedule. The business will continue to contribute to the tax base of the community.

### Background and Previous Actions

Mr. Araiza-Pinales has applied for a new Series 12 liquor license for Federico's Mexican Food. This location opened in September 2018, and is one of 26 locations throughout the valley. If the Series 12 license is granted, the Goodyear location will be the first to be licensed to serve alcoholic beverages.

The City Clerk's Office received the application from the Arizona Department of Liquor Licenses and Control (DLLC) on August 5, 2019. The applicant paid the \$635 application fee for the liquor license, and a public hearing notice was posted on the property on September 3, 2019 to comply with the State-mandated 20-day comment period. No petitions or protests from qualified persons were received during the comment period.

The application was routed to the Police Department and the Development Services Department (Planning and Zoning, Code Compliance and Building Safety), and any comments from these departments are listed below:

Department/Division	Comments
Police	None
Planning and Zoning	None
Code Compliance	None
Building Safety	None

## Staff Analysis

A Series 12 license is for a restaurant and is non-transferrable. This on-sale retail privileges liquor license allows the holder to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

The DLLC requires license owners, agents, and managers actively involved in the day-to-day operations of the business to complete a state approved management training course prior to the issuance of a liquor license. The application includes documentation demonstrating that the owners of the business as well as the manager have successfully completed the management training. Furthermore, the applicant's general counsel states that a manager will be onsite during business hours, and all employees that will be serving alcohol will be trained to ask for a state-issued driver's license, identification card or a passport from all persons who appear to be under 30 years of age prior to that person being allowed to purchase and/or consume alcohol on the premises.

There are no licensed childcare facilities, K-12 schools or churches within 300 feet of the location; however, restaurants are typically exempt from the 300-foot rule.

The City Council's recommendation of "Approval", "Disapproval" or "No Recommendation" will be forwarded to the DLLC for consideration at a public hearing of the State Liquor Board ("Board").

- **APPROVAL:** If the City Council recommendation is for approval, a hearing of the Board is not required unless the DLLC Director ("Director"), the Board, or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If no hearing is held, the license may be approved by the Director.
- **DISAPPROVAL:** If the City Council recommendation is for disapproval of an application, a statement of the specific reasons along with a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order of disapproval and submitted to the Director; a public hearing will then be held by the Board.
- **NO RECOMMENDATION:** If the City Council recommendation is "No Recommendation", the Director may cancel the public hearing and issue the license unless the Board or any aggrieved party requests a hearing. If the reason for the protest is clearly removed or deemed satisfied by the Director, the Board will cancel the public hearing, and the license may be approved by the Director.

## **Attachments**

1. Listing of liquor license locations within one mile
2. Vicinity map
3. Menu