

AGENDA ITEM #: _____

DATE: July 6, 2020

CAR #: 2020-6974



CITY COUNCIL ACTION REPORT

SUBJECT: Recommend approval of sampling privileges for Liquor License No. 09070531, assigned to Safeway #3151

STAFF PRESENTER(S): Darcie McCracken, City Clerk

OTHER PRESENTER(S): Nicholas Carl Guttilla, Guttilla Murphy Anderson

Summary: The applicant is requesting a recommendation of approval to add sampling privileges to the current Series 9 (Liquor Store) liquor license.

Recommendation: Recommend approval to the Arizona Department of Liquor Licenses and Control of Application No. 110293, a request by Nicholas Carl Guttilla, agent/applicant for Safeway #3151, to add sampling privileges to Liquor License No. 09070531, assigned to Safeway #3151, located at 9890 S. Estrella Pkwy, Goodyear, Ariz. (Generally located at the northwest corner of S. Estrella Pkwy and W. Elliot Rd.)

Fiscal Impact: Per the Goodyear Municipal User Fee Schedule, a liquor license fee is only charged for new liquor licenses. Acquisitions of Control involve current liquor licenses; therefore, no fee is charged. The business will continue to contribute to the tax base of the community.

Background and Previous Actions

Safeway #3151 has been in operation at this location since approximately November 2009.

The City Clerk's Office received the application for sampling privileges from the DLLC on May 21, 2020. A public hearing notice was posted at the store's entrances on June 16, 2020, to comply with the State mandated 20-day comment period. No petitions or protests from qualified persons were received during the comment period. A.R.S. § 4-201(B) defines a qualified person as "any natural person who is a bona fide resident residing or owning or leasing property within a one-mile radius from the premises proposed to be license".

Staff Analysis

Per A.R.S. § 4-206.01(K), 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, except that the licensee may charge a fee for bona fide educational classes conducted in a classroom by an instructor on the licensed premises where the sampling of any spirituous liquor product is incidental to the course taught and to the course materials presented.*
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.*

The application has been routed to the Police Department and the Development Services Department (Planning and Zoning, Code Compliance and Building Safety). Any comments that have been received are noted below:

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

There are no licensed childcare facilities, K-12 schools or churches within 300 feet of the location.

The City Council’s recommendation of “Approval”, “Disapproval” or “No Recommendation” will be forwarded to the DLLC for consideration during their licensing review process.

Attachments

Application for Sampling Privileges