

AGENDA ITEM #: _____

DATE: August 31, 2020

CAR #: 2020-7013A



CITY COUNCIL ACTION REPORT

SUBJECT: Recommend approval of sampling privileges for the new Series 10 (Beer and Wine) liquor license for ALDI.

STAFF PRESENTER(S): Darcie McCracken, City Clerk

OTHER PRESENTER(S): Julienne Overland-Villegas, Applicant/Agent, ALDI (Arizona, LLC)

Summary: This is amended to include the recommendation of approval to add sampling privileges to the new Series 10 (Beer and Wine Store) liquor license.

Recommendation:

Recommend to the Arizona Department of Liquor Licenses and Control (DLLC) approval of Application No. 114444, a request from Julienne Overland-Villegas, agent for ALDI (Arizona, LLC), to add sampling privileges to the new Series 10 liquor license located at 845 N. Estrella Parkway, Goodyear, Arizona 85338 (Generally located west of the southwest corner of Estrella Parkway and Roosevelt Street).

Fiscal Impact: The applicant paid the \$635 application fee for the 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

Council saw this item on August 24, 2020 and approved the new Series 10 liquor license. However, there was a sampling privilege that was not identified for the Council in addition to the new Series 10 liquor license.

The City Clerk's Office received the application from the DLLC on July 22, 2020. A Public Hearing Notice was posted at the construction site on August 3, 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".

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 are listed below:

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

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.*

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 at a public hearing of the State Liquor Board ("Board").

Attachments

DLLC Local Governing Body Report with Sampling Privileges Application
Liquor License Evaluation Map