



# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Kristi Jefferson - City Clerk	October 1, 2024

## **AGENDA ITEM**

Request for Change of Location for Pepe LLC dba Fiesta Mexicana, Liquor License #03-04102 from 1220 E. Highway 50 to 710 Milford Street.

## **BACKGROUND**

A Change of Location Liquor application was received on August 15, 2024. Jose Pena of Fiesta Mexicana has requested to change locations of his Liquor License from 1220 E. Highway 50 to 710 Milford Street. If approved the name will also change from Pepe LLC dba Fiesta Mexicana to Tany LLC dba Fiesta Tapatia.

A public hearing notice was published in the Mountain Mail August 20, 2024, and the public hearing poster was posted at the new location on September 18, 2024.

If council approves the application, the application will be sent to the Colorado Department of Revenue for final approval and issuance. The restaurant cannot sell alcohol at its new location until the state issues the license. Further, within 60 days of issuance, the licensee shall change the location of its business to the place specified therein and, at the same time, cease to conduct the sale of alcoholic beverages from the former location.

State and local payments have been submitted and they have passed both fire and police inspections for the new location.

## **RECOMMENDATION**

Staff recommends approval of the request to change the liquor license location from 1220 E. Highway 50 to 710 Milford Street for Pepe LLC dba Fiesta Mexicana.

## **FISCAL IMPACT**

There is no fiscal impact.

## **MOTION**

Following a public hearing on the matter, a Licensing Authority Member should make a motion to \_\_\_\_\_ a change of location request for Pepe LLC dba Fiesta Mexicana from 1220 E. Highway 50 to 710 Milford Street, followed by a second and a roll call vote.

# Instruction Sheet for Permit Application and Report of Changes

For All Sections, Complete Questions on Page 2

## ☐ Section A

To Register or Change Managers, check the appropriate box in section A and complete question 10 on page 6. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

## ☐ Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 8 for Oath of Applicant signature.

## ☒ Section C

Check the appropriate box in section C and proceed below.

**For a Retail Warehouse Storage Permit**, go to page 4 complete questions in the section (be sure to check the appropriate box). Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Submit to the State Licensing Authority for approval.

**For a Wholesale Branch House Permit**, go to page 4 and complete questions in the section (be sure to check the appropriate box). Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Submit to the State Licensing Authority for approval.

**To Change Trade Name or Corporation Name**, go to page 4 and complete questions in the section (be sure to check the appropriate box). Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.

**To modify Premise, or add Sidewalk Service Area**, go to page 7 and complete all questions. Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.

**For Optional Premises** go to page 7 and complete all questions. Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County).

**To Change Location**, go to page 5 and complete questions in the section. Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Retail Liquor License submit permit application or report of change to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.

**Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change**, go to page 6, and complete questions in the section. Use this section to make a current Noncontiguous Manufacturing Location into a Primary Manufacturing Location, or a Primary Manufacturing Location into a Noncontiguous Manufacturing Location. To be eligible for a Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change, you must be a Colorado state licensed manufacturer of vinous liquor pursuant to section 44-3-402 or 44-3-403, C.R.S.

**Campus Liquor Complex Designation**, go to page 8 and complete questions in the section. Submit the necessary information and proceed to page 8 for Oath of Applicant signature.

**To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 8 and complete questions in the section.

## Permit Application and Report of Changes

All Answers Must Be Printed in Black Ink or Typewritten

**Applicant is a** ☒ Corporation ☐ Individual ☐ Partnership ☐ Limited Liability Company

License Number

03-04102

Name of Licensee

Pepe LLC

Trade Name of Establishment (DBA)

Fiesta Mexicana

Address of Premises (specify exact location of premises)

1220 E Highway 50

City

Salida

County

Chaffee

State

CO

ZIP Code

81201

Business Email Address

letalis@aol.com

Business Phone Number

970 903 1407

Select the Appropriate Section Below and Reference the Instructions on Page 1.

### Section A – Manager

- ☐ Manager's Registration (Hotel & Restaurant)..... \$30.00
- ☐ Manager's Registration (Tavern)..... \$30.00
- ☐ Manager's Registration (Lodging & Entertainment)..... \$30.00
- ☐ Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.)..... No Fee

Please note that Manager's Registration for Hotel & Restaurant, Lodging & Entertainment, and Tavern licenses requires a local fee with submission to the local licensing authority as well. Please reach out to local licensing authorities directly regarding local processing and fees.

### Section B – Duplicate License

- ☐ Duplicate License ..... \$50.00

<input type="checkbox"/>	Retail Warehouse Storage Permit (each).....	\$100.00		
<input type="checkbox"/>	Wholesale Branch House Permit (each).....	\$100.00		
<input type="checkbox"/>	Change Corporation or Trade Name Permit (each).....	\$50.00		
<input checked="" type="checkbox"/>	Change Location Permit (each).....	\$150.00		
<input type="checkbox"/>	Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change.....	\$150.00		
<input type="checkbox"/>	Change, Alter or Modify Premises.....	\$150.00 x <input type="text"/>	Total Fee:	<input type="text"/>
<input type="checkbox"/>	Addition of Optional Premises to Existing Hotel/Restaurant .....	\$100.00 x <input type="text"/>	Total Fee:	<input type="text"/>
<input type="checkbox"/>	Addition of Related Facility to an Existing Resort or Campus Liquor Complex.....	\$160.00 x <input type="text"/>	Total Fee:	<input type="text"/>
<input type="checkbox"/>	Campus Liquor Complex Designation.....	No Fee		
<input type="checkbox"/>	Sidewalk Service Area.....	\$75.00		

**Do Not Write in This Space – For Department of Revenue Use Only**

Date License Issued	License Account Number	Period

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.

**Total Amount Due.....** \$   00

## Storage Permit

### Retail Warehouse Storage Permit or a Wholesalers Branch House Permit

- ☐ **Retail Warehouse Permit for:**
- ☐ On-Premises Licensee (Taverns, Restaurants etc.)
- ☐ Off-Premises Licensee (Liquor stores)
- ☐ **Wholesalers Branch House Permit**

Address of Storage Premise

City

County

ZIP Code

Attach a deed/lease or rental agreement for the storage premises.

Attach a detailed diagram of the storage premises.

### Change Trade Name or Corporate Name

- ☐ Change of Trade Name/DBA only
- ☒ Corporate Name Change (Attach the following supporting documents)
1. Certificate of Amendment filed with the Secretary of State, or
  2. Statement of Change filed with the Secretary of State, and
  3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name

Fiesta Mexicana

New Trade Name

Fiesta Tapatia

Old Corporate Name

Pepe LLC

New Corporate Name

Tany LLC

## Change of Location

**Note to Retail Licensees:** An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

Date filed with Local Authority

August 15, 2024

Date of Hearing

October 1, 2024

### Address of current premises.

Address

1220 E Highway 50

City

Salida

County

Chaffee

ZIP Code

81201

### Address of proposed New Premises

(Attach copy of the deed or lease that establishes possession of the premises by the licensee)

Address

710 Milford St

City

Salida

County

Chaffee

ZIP Code

81201

### New mailing address if applicable.

Address

[REDACTED]

City

Salida

County

Chaffee

State

CO

ZIP Code

81201

**Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.**

DR 8496 (03/27/23)  
**COLORADO DEPARTMENT OF REVENUE**  
 Liquor Enforcement Division  
 PO Box 17087  
 Denver CO 80217-0087  
 Fax (303) 205-2341  
 Phone (303) 205-2300

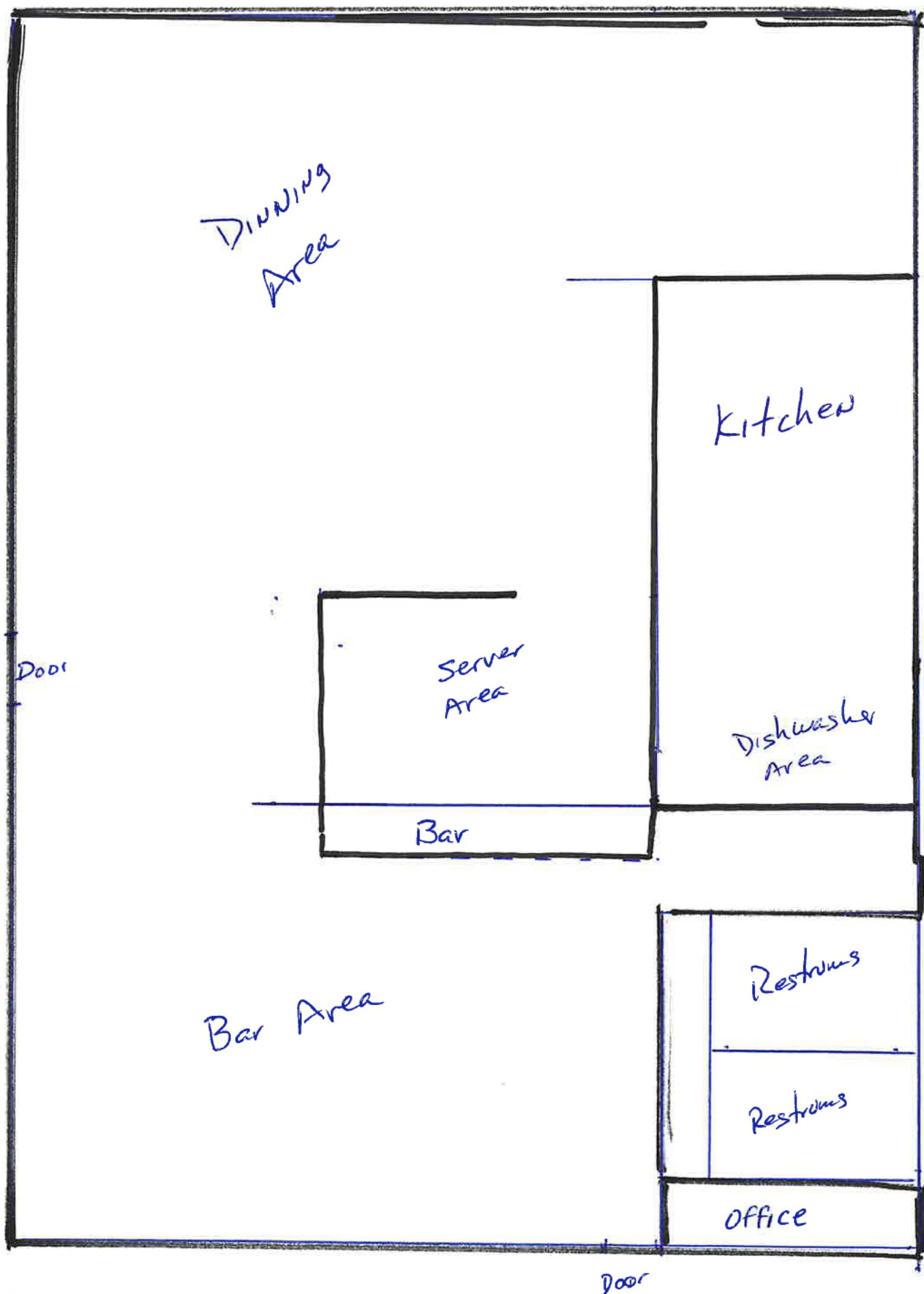
Fees Due	
Initial Application Fee	\$11.00
Renewal Fee	\$11.00

## Takeout and Delivery Permit Application & Renewal (On-Premises Applicants Only)

<input type="checkbox"/> Initial Application		<input checked="" type="checkbox"/> Renewal - <i>Change of location</i>	
Corporate Business Name <i>Tany LLC</i>		Trade Name (DBA) <i>Fiesta Tapatia</i>	
Physical Address of Premises <i>710 Milford Street</i>		Liquor License Number <i>03-04102</i>	
City <i>Salida</i>		County <i>Chaffee</i>	State <i>CO</i>
Mailing Address (if different than Physical Address) <i>710 Milford Street</i>		Suite/Unit Number	
City <i>Salida</i>		State <i>CO</i>	ZIP Code <i>81201</i>
Business Phone Number <i>(719) 539-5203</i>		Business Email Address	
1. Are you applying/renewing: <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input checked="" type="checkbox"/> Both Takeout and Delivery			
2. You certify that the delivery of alcohol beverages shall only be made to a person TWENTY-ONE (21) years of age or older at the address specified in the order.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. You certify that the delivery must be made by the licensee or the licensee's employee who is at least TWENTY-ONE (21) years of age and is using a vehicle owned or leased by the licensee to make the delivery.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. You certify that the licensee's employee who delivers the alcohol beverages shall note and log at the time of delivery, the name and date of birth of the person the alcohol beverages are delivered to. Under no circumstances shall a person under TWENTY-ONE (21) years of age be permitted to receive a delivery of alcohol beverages.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. You understand that a licensee must derive no more than FIFTY (50) percent of its gross annual revenues from sales of alcohol beverages that the licensee delivers.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Are you using a third party's ordering software to take orders?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If you answered "Yes" to question number six (6) above, upload all documents concerning the agreement between the ordering service and the licensee. <b>Note - While a third party's ordering software may be used, physical delivery can only be accomplished by the licensee or the licensee's employee using a vehicle owned or leased by the licensee.</b>			
7. Have you verified with your local licensing authority that no local permits are required for takeout and delivery?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8. Are you the applicant or an authorized agent of the business?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name of the applicant or an authorized agent of the business <i>Jose Pena</i>		Title of the applicant or an authorized agent of the business <i>OWNER</i>	
Signature <i>Jose Pena</i>		Date <i>08-15-24</i>	

**Payment** (Please submit Payment in one of the following ways):

<b>Via mail with your application</b> P.O. Box 17087 Denver, CO 80217-0087	<b>Via email to:</b> DOR_liqlicensing@state.co.us An email will be sent to you with directions on how to make a payment via our online payment portal.
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OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Tany LLC

is a

Limited Liability Company

formed or registered on 08/06/2024 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20241835852 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/16/2024 that have been posted, and by documents delivered to this office electronically through 09/17/2024 @ 15:57:31 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 09/17/2024 @ 15:57:31 in accordance with applicable law. This certificate is assigned Confirmation Number 16393470 .



*Jena Griswold*

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's website, <https://www.coloradosos.gov/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our website, <https://www.coloradosos.gov> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



# Colorado Secretary of State

Colorado Secretary of State

ID#: 20241835852

Document #: 20241835852

Filed on: 08/06/2024 08:08:29 PM

Paid: \$50.00

## Articles of Organization for a Limited Liability Company

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

**The domestic entity name of the limited liability company is** Tany LLC

**The principal office street address is**

710 Milford St  
Salida CO 81201  
US

**The principal office mailing address is**

217 E 7th St  
Salida CO 81201  
US

**The name of the registered agent is** Jose Pena

**The registered agent's street address is**

217 E 7th St  
Salida CO 81201  
US

**The registered agent's mailing address is**

217 E 7th St  
Salida CO 81201  
US

The person above has agreed to be appointed as the registered agent for this entity.

**The management of the limited liability company is vested in** Members

There is at least one member of the limited liability company.

**Person(s) forming the limited liability company**

Jose Pena  
217 E 7th St  
Salida CO 81201  
US

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., and, if applicable, the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

**PUBLIC NOTICE**

Notice is hereby given that an application has been presented to the City of Salida Local Liquor Licensing Authority for a Change of Location for the Hotel and Restaurant License at 1220 E. Highway 50, Tany, LLC dba Fiesta Tapita (formerly Fiesta Mexicana) to 710 Milford Street.

A hearing on the application received August 15, 2024 will be held before the Local Licensing Authority of the City of Salida, Colorado at the hour of 6:00 p.m., or as soon thereafter as may be heard, on Tuesday, October 1, 2024 in the City Council Chambers, 448 East 1st Street, Salida, Colorado. At said time and place, any interested persons may appear to be heard for or against the granting of said license.

LIQUOR LICENSING AUTHORITY

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Kristi Jefferson, City Clerk

Published in The Mountain Mail August 20, 2024



**NOTICE**

NO PETS ALLOWED  
SERVICE ANIMALS  
SPECIALLY TRAINED  
TO ASSIST PERSONS WITH  
DISABILITIES ARE EXCEPTED

**NOTICE**

**PURSUANT TO THE LIQUOR LAWS  
OF COLORADO**

TANY, LLC dba FIESTA TAPATIA Liquor License #03-04102

1220 East Highway 50

Salida, CO 81201

**HAS REQUESTED THE LICENSING  
OFFICIALS OF** City of Salida

**TO** Change of Location for Liquor License #03-04102

**LICENSE AT:** 1220 E Hwy 50  
In 710 Milford Street, Salida CO 81201

**HEARING ON APPLICATION TO BE HELD AT:**

City Council Chambers

440 E First Street, Ste. 150, Salida, CO 81201

**TIME AND DATE:** 6:00 pm October 1, 2024

**DATE OF APPLICATION:** August 15, 2024

**BY ORDER OF:** City of Salida

**OFFICERS:** Josue Pena

NOTICE OF THE PLACE, TIME AND DATE OF HEARING ON APPLICATION FOR LIQUOR LICENSE

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