

LICENSE HEARING MINUTES
El Aguila Restaurant LLC, dba El Aguila Restaurant Latin Food, 1552 Como Avenue
Thursday, March 14, 2:00 PM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Legislative Hearing Officer

The hearing was called to order at 2:06 PM

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI) Licensing Inspector; Frances Birch, DSI Zoning Inspector (remote participation)

Licensee: Ana Vargas, Operations Manager (on behalf of license applicant Karla Mata Mejia who is out on maternity leave); Israel Benitez, Interpreter.

License Application: Liquor On Sale - 100 seats or less and Liquor On Sale - Sunday licenses

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The city received correspondence of concern/objection during the notification period, which triggered this hearing.

The hearing will proceed as follows: DSI Licensing and Zoning staff will explain their review of the application and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that the City Council not issue this license but refer it to the city attorney's office to take an adverse action on the application, which could involve review by an administrative law judge.

Minutes:

Mr. Israel Benitez: I will be interpreting today for Ana Vargas. (NOTE: Going forward, Ms. Vargas' testimony will be interpreted and indicated for her.)

Ms. Ana Vargas: I am the manager. Karla Mejia is the owner.

Mr. Benitez: I am just a translator. I'm a friend of the family who has helped them with this process.

Hearing Officer Vang: We do have interpreters if you need.

Mr. Benitez: No need. Because I know Ana and her way of speaking, this is easiest for us.

Mr. Jeff Fischbach, Department of Safety and Inspections (DSI) - Licensing, gave a staff report for licensee El Aguila Restaurant LLC, d/b/a El Aguila Restaurant Latin Food (License ID# 20240000156), located at 1552 Como Ave. The application is for Liquor On Sale - 100 seats or less and Liquor On Sale - Sunday licenses. DSI is recommending approval with the following license conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409 .02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per Section 409.02 of the City of Saint Paul Legislative Code.

The District 10 Como Community Council submitted an email acknowledging receipt of the application. Building conditions, not applicable; License approved with conditions; and Zoning approved.

Hearing Officer Vang asked if the applicant understood and agreed to the conditions listed on the Class N Notification.

Ms. Vargas: The conditions are no problem. We don't plan to be open until midnight or even past 10pm at the very latest.

Hearing Officer Vang: Did the previous business here have liquor license?

Mr. Fischbach: A while ago, a business here had a Malt on Sale - 3.2 license. A full liquor license is new to this location. The conditions here are standard for a business seeking a new liquor license.

Hearing Officer Vang asked about the Zoning review.

Ms. Frances Birch, Department of Safety and Inspections (DSI) - Zoning, gave a staff report. The area is zoned B3 – General Business. A restaurant is a permitted use. There are no additional parking requirements associated with this application. If they want to change their parking plan, they can reach out to DSI Zoning staff. Zoning recommends approval.

Hearing Officer Vang: Is the parking lot adjacent to the building related to this business?

Ms. Birch: The building is all part of the same shared parking.

Hearing Officer Vang: Does the business owner pay into the shared parking with other businesses?

Ms. Vargas: There is no fee.

Hearing Officer Vang: Is it public parking, then?

Ms. Vargas: Yes. On the other side next to the neighboring café, there is another parking lot used by neighbors and businesses.

Hearing Officer Vang: Is there parking in front on Como?

Ms. Birch: Yes.

Hearing Officer Vang: How are deliveries from vendors handled? Do they stop on Como or go into the parking lot?

Ms. Vargas: They enter through either parking lot on either side of the building. Our delivery door is in the rear, so either lot would be easy for them. Deliveries are 2 times a week at 7am.

Hearing Officer Vang asked about garbage pickup.

Ms. Vargas: They enter on either side of the parking lot, same as deliveries, to get to the cans on the back side. Pickup is once a week at 6 or 7am.

Hearing Officer Vang: Do you dispose of cans and bottles?

Ms. Vargas: Yes.

Hearing Officer Vang: Are there residences nearby?

Ms. Vargas: Yes. They have their own parking spaces and garbage bins.

Hearing Officer Vang: Have there been any noise issues with trash pickup from your neighbors?

Ms. Vargas: No.

Hearing Officer Vang: If you are open until 9 or 10pm, I encourage you to dispose of glass bottles and such in the morning, so as not to make loud noises for neighbors.

Ms. Vargas: We take out garbage around 8pm on a consistent basis.

Hearing Officer Vang next referred to the STAMP activity report to give the applicant an understanding of the history of the location. She stated that some things listed are complaints, and the City operates on a complaint-based system. She then asked Fischbach to elaborate.

Mr. Fischbach: If we receive a complaint, we go out and investigate. If it's validated, our first step is to educate a business and bring them into compliance. If that doesn't work, we can take adverse action against a license. This starts with monetary penalties and could escalate to revocation of a license. At least once a year, there is a proactive visit where the police will send

someone in who is under 21 years old, to see if you sell alcohol to them. That would be a violation and would follow our penalty matrix.

Hearing Officer Vang asked Ms. Vargas to talk about their history in the restaurant business and liquor service.

Ms. Vargas: I have over 10 years of management in the restaurant industry, most recently as a kitchen manager. This will be my first-time overseeing alcohol service. Karla Mejia, the owner, and I have taken liquor service training. All servers will be over 21 as well. We will have 3 staff in the kitchen area and 3 in the dining area. There is no bar area.

Hearing Officer Vang: Are there plans for a bar area?

Ms. Vargas: We may have one installed in the future if our liquor license is approved.

Hearing Officer Vang: The site plan would change then?

Ms. Vargas: Yes.

Hearing Officer Vang: Does that require building review?

Mr. Fischbach: If it would require construction.

Hearing Officer Vang: I encourage you to contact DSI about adding a bar before you do so. What type of alcohol will be served?

Ms. Vargas: It will mostly be bottled beers and margaritas. Nothing will have a high alcohol concentration because this is a family restaurant.

Hearing Officer Vang: What are your hours?

Ms. Vargas: 10am – 9pm every day. Closing may depend on the weather and the seasons, but usually 8pm or 9pm.

Hearing Officer Vang: Have you met with Como Community Council or been invited to meet with them?

Ms. Vargas: I know multiple community groups in the area, but I haven't met them.

Hearing Officer Vang indicated that the district council acknowledged that they were notified of Ms. Mejia's license application. She wants the licensee and Ms. Vargas to be aware of the work that the district council does and that they are good partners for the business community.

Hearing Officer Vang next read into the record the letter of objection from Ms. Kathryn Ackerman, 1524 Como Avenue. She was unable to join us in-person. Mr. Benitez assisted with

the translation. The letter voiced concerns about parking, noise, and garbage. She then gave Ms. Vargas the opportunity to respond.

Ms. Vargas: Regarding the parking concerns, we have regulars who know we have our own parking spots. It's not fair to blame the restaurant for other parking concerns. We face difficulties during big events like the State Fair also, when it comes to our own parking.

Hearing Officer Vang: Does the general public park in your lot during things like the State Fair, or just on the street?

Ms. Vargas: The owner of the building leases the parking lot during those times, and they keep a smaller number of spaces available for the businesses there.

Hearing Officer Vang: I encourage you to see if the property owner can allocate more spots to businesses instead of fairgoers during those events. I understand that it's challenging but it would be good to ensure enough spaces for your customers.

Ms. Vargas: The restaurant is not intending to make the parking situation worse. We are family restaurant, and many of the neighbors seem content. Allowing us to sell liquor should not change that. We will still control liquor service.

Hearing Officer Vang: Do you have a response to Ms. Ackerman's noise concerns?

Ms. Vargas: We can't control noise outside our establishment. There are apartments upstairs and no one has ever complained about noise. We will prevent overserving, to do our part to ensure people don't leave and make a lot of noise. I understand the concern, but any noise that's happened in the past 8 months doesn't have to do with us serving liquor because we haven't been serving liquor yet.

Hearing Officer Vang: In doing your part, if you ever deal with a difficult patron, I encourage you to not put yourself and your staff at risk, and to contact the police instead. You should also ensure patrons are not leaving with cans or bottles and littering the around your business. Outside your business, will you have staff clean up trash?

Vargas: We will be doing that in front of the building every day. The owner takes pride in keeping the parking lot clean as well, so the area is always clean.

Hearing Officer Vang: Do you have any other response to the rest of the letter?

Vargas: We are conscientious of our neighbors and follow the rules. I invite Ms. Ackerman to come talk to us any time because we do care about our public image.

Hearing Officer Vang stated that after reviewing the records, evidence and considering the testimonies from all parties, she will recommend to the City Council that they approve the license with the following agreed-upon conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409 .02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per Section 409.02 of the City of Saint Paul Legislative Code.

The hearing adjourned at 3:01 PM.

The Conditions Affidavit was signed and submitted on March 15, 2024.