

City of Littleton

Minutes of Proceeding

Littleton Licensing Authority

July 14, 2010

The Littleton Licensing Authority met in a regular session on Wednesday, July 14, 2010, at the Littleton City Center, 2255 West Berry Avenue, Littleton, Colorado.

THOSE PRESENT: Earl Gunia - Vice Chairperson
John Cole - Authority Member
Susan Price - Authority Member
Victoria England - Authority Member
Donovan O'Dell - Authority Member
Andrew Cole - Authority Member

THOSE ABSENT: Bill Bradish - Chairperson

ALSO PRESENT: Suzanne Staiert – City Attorney
Richelle Work - Deputy City Clerk
Kim Steen – Police Sergeant

1. CALL MEETING TO ORDER

Vice Chairperson Gunia called the meeting to order at 7:00 p.m.

2. ROLL CALL

Upon a call of the roll, six members were present. Authority Member Bradish was absent. A quorum was declared. The following business was transacted.

3. MINUTES

(a) Minutes of Regular Meeting June 9, 2010

Action: Approved as submitted

It was moved by AUTHORITY MEMBER PRICE, seconded by AUTHORITY MEMBER JOHN COLE TO APPROVE THE MINUTES AS SUBMITTED.

Ayes: Authority Members Gunia, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Bradish

MOTION CARRIED: 5 to 0

4. AGENDA

Action: Approved as submitted

5. SETTING NEIGHBORHOOD BOUNDARIES AND SCHEDULING APPLICATION HEARINGS – None

6. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS LIQUOR LICENSES**
 - (a) **MODIFICATION OF PREMISES** - None
 - (b) **TRANSFER OF OWNERSHIP** - None
 - (c) **MANAGER'S REGISTRATION** - None
 - (d) **SUMMARY SUSPENSION** - None
 - (e) **CHANGE OF CORPORATE STRUCTURE** – None
 - (f) **CHANGE OF LOCATION** - None
 - (g) **RENEWAL APPLICATION** - None
7. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS FOR MEDICAL MARIJUANA DISPENSARIES** - None
8. **FINDINGS OF PROBABLE CAUSE AND SCHEDULING SHOW CAUSE HEARINGS FOR LIQUOR LICENSES**
9. **FINDINGS OF PROBABLE CAUSE AND SCHEDULED SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA DISPENSARY VIOLATIONS** - None
10. **LIQUOR LICENSE APPLICATION HEARINGS**
 - a) 7-ELEVEN INC.
7-ELEVEN STORE 34486
3099 WEST MINERAL AVENUE

Attorney Staiert entered the following city exhibits into the record:

- Exhibit A - Waiver of hearing
- Exhibit B - Affidavit of posting of premises
- Exhibit C - Proof of publication
- Exhibit D - Licensing Authority Communication with Attachments
- Exhibit E - Petition Information
- Exhibit F - Public Hearing Roster

It was moved by AUTHORITY MEMBER JOHN COLE seconded by AUTHORITY MEMBER PRICE TO ADMIT EXHIBITS A-F.

Ayes: Authority Members Gunia, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Bradish

MOTION CARRIED: 5 to 0

Kelly Pietrs, Esquire Petitioning, Ms. Pietrs explained the petitioning process. The petitioners completed 563 doorknocks, with 117 residents and 25 business owners in support of issuance of the license, for a total of 142. There were 32 residents in opposition. There were 5 people who signed as neutral. This is 79% in favor of the license. Needs and desires had a result of 87% in favor.

Authority Member Price asked if there were any other 3.2% outlets in the defined boundaries.

Attorney Alan Dill, representing the applicant, stated there are no other 3.2% outlets within the neighborhood boundaries.

Holly Eriksson, business consultant with 7-11. Ms. Eriksson stated that the store manager reports directly to her. She oversees nine other stores. This will be a corporate owned store. They have just broken ground on the store and the target opening date is 3-4 months away. Ms. Eriksson explained the floor plan of the store and stated that the alcohol cooler would be locked from midnight to 5 a.m. All employees that handle alcohol are required to complete a computer-based training and must pass with 100% or they are not employed. Management goes through additional training on verifying ID checks for alcohol or cigarettes. Ms. Eriksson explained the company policies regarding sale without proper ID and stated alcohol sales average \$40 per store per day in this area.

Authority Member Price asked about liquor violations in the other 7-11 stores in the state.

Ms. Eriksson stated there are over 200 stores in the state and there were 37 violations; none of those violations were her stores and the violations were prior to the new procedures be instituted. The new procedures were put into place to protect the store and the community. She stated that the training does address how to handle intoxicated persons.

Authority Member O'Dell stated there should be a lot of traffic from the RTD light rail location being in the area.

Authority Member Gunia asked for clarification on which direction the building faces and about security cameras. He also asked about if employees are allowed to take the alcohol training test more than one time.

Attorney Dill explained that the left-hand side of the diagram is Mineral Avenue. He stated that employees are allowed to take the test three times, and have to pass 100% by the third try or they are terminated.

It was moved by AUTHORITY MEMBER PRICE, seconded by AUTHORITY

MEMBER JOHN COLE THAT THE PUBLIC HEARING BE CLOSED AND A RESOLUTION OF THE LITTLETON LICENSING AUTHORITY BE APPROVED WHICH GRANTS 7-ELEVEN INC., DOING BUSINESS AS 7-ELEVEN STORE 34486, 3099 WEST MINERAL AVENUE, LITTLETON, COLORADO, A 3.2% OFF PREMISE LIQUOR LICENSE CONTINGENT UPON APPROVAL FROM THE COLORADO BUREAU OF INVESTIGATION AND THE COLORADO LIQUOR ENFORCEMENT DIVISION AND BASED UPON THE FOLLOWING FINDINGS OF FACT: (1) THAT THE NEEDS OF THE NEIGHBORHOOD ARE NOT NOW BEING MET; AND (2) THAT IT IS THE DESIRE OF THE ADULT INHABITANTS OF THE NEIGHBORHOOD THAT THE LICENSE BE ISSUED.

Ayes: Authority Members Gunia, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Bradish

MOTION CARRIED: 5 to 0

- b) RIB CITY SOUTHPARK INC.
RIB CITY
7903 SOUTH BROADWAY #B

Attorney Staiert entered the following city exhibits into the record:

- Exhibit A - Waiver of hearing
- Exhibit B - Affidavit of posting of premises
- Exhibit C - Proof of publication
- Exhibit D - Licensing Authority Communication with Attachments
- Exhibit E - Petition Information
- Exhibit F - Public Hearing Roster

It was moved by AUTHORITY MEMBER JOHN COLE seconded by AUTHORITY MEMBER O'DELL TO ADMIT EXHIBITS A-F.

Ayes: Authority Members Gunia, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Bradish

MOTION CARRIED: 5 to 0

Jim Courtis, President of Rib City Southpark, Allison Courtis, General Manager, Don Mitrani and Rita Mitrani were present. Mr. Courtis explained the restaurant style and number of employees. This is the third franchise located in the Front Range area with five other franchises on the western slope. He explained his experience with liquor and stated

that both he and Allison have taken an alcohol awareness seminar in the City of Lakewood. Allison Courtis is also going to be TIPS certified. All employees will have in-house training and will be asked to take the Lakewood training. Management will be required to take TIPS training. He showed a diagram of the restaurant and explained that it is primarily a restaurant and liquor sales will only average 4-5% of gross sales. It is a restaurant, not a bar and they do not concentrate on liquor sales. Business hours will be 11 a.m. – 10 p.m. during summer hours and have a 9:30 p.m. closing during winter hours. Rib City's policy is that they confiscate any ID that is suspicious unless it presents a danger to do so. They will not serve anyone in that type of situation. Their policy is if you look under 40, you are carded. If an employee serves someone who is visibly intoxicated or underage and did not ask for ID, that is grounds for termination.

Authority Member John Cole asked about policy for contacting the police department with a suspicious ID or an intoxicated person.

Mr. Courtis stated they are going to explore how to handle that situation with upcoming trainings.

Authority Member Gunia stated that a good policy is when in doubt call the police.

Mr. Courtis stated that Allison is the restaurant manager, and he will not be there all the time. Mr. Mitrani owns the Arvada location and is part owner of this, but Mr. Courtis is not an owner of the Arvada location. He explained the set-up of the strip mall, stating that there is a blockbuster video on the west side. The main entrance to the front of building has a host stand that can see the patio area. There is a secondary door that is an emergency exit, a door to the patio, and an exit to the back of the building through the kitchen. They will be installing security cameras. The patio is fenced and they will be installing a gate.

Kelly Piets, Esquire Petitioning, Ms. Piets explained the petitioning process. The petitioners completed 563 doorknocks, with 124 residents and 28 business owners in support of issuance of the license, for a total of 152. There were four residents in opposition and three residents that were neutral. This is 95.6% in favor of the license. Needs and desires show 97% in favor.

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER PRICE TO THAT THE PUBLIC HEARING BE CLOSED AND A RESOLUTION OF THE LITTLETON LICENSING AUTHORITY BE APPROVED WHICH GRANTS RIB CITY SOUTHPARK INC., DOING BUSINESS AS RIB CITY, 7903 SOUTH BROADWAY #B, LITTLETON, COLORADO, A HOTEL AND RESTAURANT LIQUOR LICENSE CONTINGENT UPON APPROVAL FROM THE COLORADO BUREAU OF INVESTIGATION AND THE COLORADO LIQUOR ENFORCEMENT DIVISION AND BASED UPON THE FOLLOWING FINDINGS OF FACT: (1) THAT THE NEEDS OF THE NEIGHBORHOOD ARE NOT NOW BEING MET; AND (2) THAT IT IS THE DESIRE OF THE ADULT INHABITANTS OF THE NEIGHBORHOOD THAT THE LICENSE BE ISSUED.

Ayes: Authority Members Gunia, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Bradish

MOTION CARRIED: 5 to 0

11. MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATION HEARINGS – None

12. SHOW CAUSE HEARINGS FOR LIQUOR LICENSES

- a) INTERNATIONAL MARKETING CORPORATION
DBA: FAT FROG CAFE
2530 WEST MAIN STREET

Attorney Staiert presented a signed stipulated motion to continue and order to continue the show cause hearing to September 8, 2010.

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER PRICE TO CONTINUE THE SHOW CAUSE HEARING FOR FAT FROG CAFÉ, 2530 WEST MAIN STREET, TO THE REGULAR MEETING OF THE LICENSING AUTHORITY TO BE HELD ON SEPTEMBER 8, 2010.

Ayes: Authority Members Gunia, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Bradish

MOTION CARRIED: 5 to 0

13. SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA DISPENSARIES - None

14. GENERAL BUSINESS

- (a) Motion to move location for August 11, 2010 meeting to Municipal Court due to conflict with Western Welcome Week events

It was moved by AUTHORITY MEMBER GUNIA, seconded by AUTHORITY MEMBER PRICE TO MOVE THE LOCATION FOR THE AUGUST 11, 2010 MEETING TO THE MUNICIPAL COURT DUE TO CONFLICT WITH WESTERN WELCOME WEEK EVENTS.

Ayes: Authority Members Gunia, John Cole, Price, England and O'Dell

Nays: None

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Absent: Authority Member Bradish

MOTION CARRIED: 5 to 0

15. REPORTS

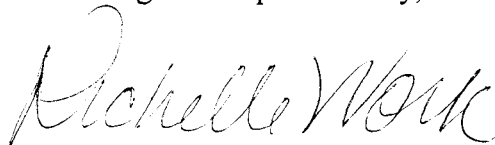
a) Staff – None

City Attorney – Attorney Staiert advised Authority Members that City Council would be having second reading on an ordinance that updates our code to match state licensing for medical marijuana businesses. There is a condition that licenses will transfer only if the business is in full compliance with the ordinance. Provided they are in compliance, it may just be a paper review for the Authority, but if there are pending issues, the licensee will have to come back and have a hearing before the Authority. She stated she is not sure if the pending issues have been resolved with the current licensees, but the ordinance requires them to be in compliance within 60 days, so those may be coming back in for review soon.

b) Authority Members – None

c) Chairperson – None

16. ADJOURNMENT – There being no further business, Chairperson Bradish adjourned the meeting at 7:59 p.m. on July, 2010.



Richelle Work

Deputy City Clerk/Recording Secretary