

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5TH STREET**

MINUTES

WEDNESDAY, JULY 15, 2009 2:00 p.m.

I. **CALL TO ORDER** – The meeting convened at 2:00 p.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

II. **APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

1. City of Grand Junction dba Avalon Theater, 159 Main Street, Grand Jct, CO 81501, Arts

No one was present representing the applicant.

The application for renewal was found to be in order and approved.

2. ERICH and BARB LLC dba The Snowflake, 539 Colorado Avenue, Grand Jct, CO 81501, Tavern

Kelly Barnett, representing the applicant, was present. Ms. Kemp reported that the Police Department advised that the applicant is currently under investigation for a violation that occurred on July 8, 2009. City Attorney Shaver recommended approval and if any violation is found from the investigation, that would come back to the Authority independently or with the next renewal.

The application for renewal was found to be in order and approved.

3. Malabo LLC dba Grand Central Liquors, 200 W Grand Avenue, Grand Jct, CO 81501, Retail Liquor Store

No one was present representing the applicant.

The application for renewal was found to be in order and approved.

4. Kokopelli Liquors, LLC dba Kokopelli Liquors, 2996 D Road, Grand Jct, CO 81504, Retail Liquor Store

No one was present representing the applicant.

The application for renewal was found to be in order and approved.

5. Grand International Buffet Inc., dba Grand International Buffet, 2504 Hwy 6&50, Ste. 500, Grand Jct, CO 81505-7170, Beer and Wine

No one was present representing the applicant.

The application for renewal was found to be in order and approved.

6. Orange Coast Investment Inc., dba Grand Vista Hotel, 2790 Crossroads Blvd., Grand Jct, CO 81506, Hotel and Restaurant

Debbie Revis, General Manager for Orange Coast Investment, Inc., was present.

The application for renewal was found to be in order and approved.

7. Thrifty Payless, Inc., dba Rite Aid #6367, 400 N. 1st Street, Grand Jct, CO 81501, 3.2% Beer Retail (Off-Premises)

No one was present representing the applicant.

The application for renewal was found to be in order and approved.

8. Wigout Productions Inc., dba Mesa Theater & Club, 538 Main Street, Grand Jct, CO 81501, Tavern

No one was present representing the applicant.

Ms. Kemp read a report from the Police Department summarizing the many police service calls to the establishment between July 1, 2008 and July 9, 2009.

City Attorney Shaver recommended the application for renewal be continued to the August 5, 2009 liquor and beer meeting and that the applicant be requested to appear before the Authority to touch base with him.

Hearing Officer Grattan concurred and asked Ms. Kemp to draft a letter to the applicant and request him to attend the August 5, 2009 liquor and beer meeting.

9. RC Investment Adventures Inc., dba Eastgate Liquor, 2830 North Avenue, Grand Jct, CO 81501, Retail Liquor Store

Kathy Meade, owner of RC Investment Adventures, Inc., was present.

The application for renewal was found to be in order and approved.

10. VIN Hospitality, LLC dba 626 on Rood Modern American Cuisine & Wine Bar, 626 Rood Avenue, Grand Jct, CO, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal was found to be in order and approved.

11. Outback/Denver I LP dba Outback Steakhouse #0621, 2432 Hwy. 6 & 50, Grand Jct, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal was found to be in order and approved.

12. New Dragon Wall Inc., dba New Dragon Wall Chinese Buffet Restaurant, 2939 North Avenue, Grand Jct, CO 81501-4918, Beer and Wine – Continued from June 17, 2009

Chao Yun Chen, Manager of New Dragon Wall Chinese Buffet Restaurant, was present.

City Attorney Shaver advised Mr. Chen that he requested to attend this liquor and beer meeting because there were many outstanding violations reported by the Health Department. He asked Mr. Chen to describe his understanding of those violations and asked him to report what has been done to correct the violations.

Mr. Chen advised that they are working with a professional company for the pest control problems. They have painted the building, washed the floors, ceilings, and walls, have kept cleaning logs for the past month, and they fax the logs to the Health Department every Monday. He provided the Authority with proof of those logs and laminated guidelines for employees.

City Attorney Shaver asked Mr. Chen when the most recent inspection was performed by the Health Department. Mr. Chen stated that it was two days ago. He advised that the Health Department inspects every two weeks.

City Attorney Shaver asked Mr. Chen to explain what they have done to correct the rest of the violations that were reported. Mr. Chen advised that they have separated the stations to prevent the cross contamination problem, they have purchased new thermometers to correct the food temperature problem, and they have moved the storage of poisonous or toxic items to a proper storage area.

Darleen McKissen, Mesa County Health Department, stated that after her inspection with the five critical items, she came up with a compliance agreement for the applicant. It really targeted the pest problem as it was very bad. She has visited with the professional pest control applicator three times. He is telling her that he has noticed a decrease in the pest problem with each application. She advised that part of the problem is the need for getting rid of the waste, ridding of the harborage areas. She said that Mr. Chen has worked very diligently to get this done. With the logs that Mr. Chen faxes to her, she asks for a cleaning schedule. All in all, they are sticking pretty well with that. She feels they just need to stay on top of the building cleaning and repairs. It is a high volume kitchen area that does get wear and tear. In her last inspection, she was dealing with mouse problems rather than the roach problem. She would like to have the applicant continue to fax the logs for a while longer because she doesn't feel that they are completely on top of the problem yet.

City Attorney advised Ms. McKissen that the Liquor Authority could legally condition the liquor license for a period of up to one year on continued compliance. Ms. McKissen advised that one year would not be unreasonable.

Hearing Officer Grattan asked the applicant if he understood that a condition of renewal could mean that if they do not stay in compliance with the Health Department, their liquor license could be revoked. Mr. Chen said he understood.

The application for renewal was approved conditioned on the continued compliance with the Health Department for a period of one year. No review is necessary as it would be up to the Health Department to notify the City Clerk's office if the applicant does not stay in compliance.

13. Rafael Cisneros dba Las Palmas Mexican Restaurant, 752 ½ Horizon Drive, Grand Jct, CO, 81506, Hotel and Restaurant – Continued from July 1, 2009

Rafael Cisneros, owner of Las Palmas Mexican Restaurant, was present.

Ms. Kemp advised that this application for renewal was continued because originally there were violations reported by the Health Department, which have since been corrected, and there was also a violation on November 3, 2008 of the liquor license because the applicant had purchased 3.2% beer to sell at the restaurant and had not posted his licenses on the premises. Ms Kemp advised that Ms. Maestas reported that she conducted an inspection on July 2nd and the applicant passed the inspection.

City Attorney Shaver asked Ms. Kemp about notifying Mr. Cisneros to appear at this meeting. Ms. Kemp advised that a letter was sent to Mr. Cisneros on June 18, 2009 to ask him to appear at the July 1, 2009 meeting. Mr. Cisneros came into the City Clerk's office after not appearing at the July 1, 2009 meeting and was advised in person at that time that he needed to attend the July 15, 2009 meeting. No additional letter was sent to him.

City Attorney Shaver asked Mr. Cisneros if he understands that he cannot purchase 3.2% beer for the sale in his restaurant and that his licenses need to be posted on the premises. Mr. Cisneros said he does understand that. He said he only purchased 3.2% beer once and does not do it anymore.

Hearing Officer Grattan advised Mr. Cisneros that in the future if he is ever notified by the City Clerk's office to attend a hearing, he needs to pay attention and attend that hearing. He has a policy to continue resetting the hearing and eventually, the liquor license will expire.

The application for renewal was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH LATE FILING (Filed 12 days late)

1. RLJ II – R Grand Junction Lessee, LLC White Lodging Services dba Residence Inn by Marriott – Grand Junction, 767 Horizon Drive, Grand Jct, CO 81506, Tavern

Daniel Gomez, Interim Manager for Residence Inn by Marriott, was present.

Ms. Kemp read a letter into the record that the applicant provided for the late filing and advised that a registration of a new manager was also required with the renewal. However, that manager has already left her employment at that establishment, therefore there will be a registration of a new manager come before the Authority on August 5th.

Mr. Gomez advised that a new manager will be into the City Clerk's office on July 16, 2009 to complete the paperwork to register as the manager.

City Attorney Shaver asked Ms. Kemp if there is a registered manager for this establishment at this time. Ms. Kemp said there is not.

The application for renewal with the finding of late filing was approved.

Ms. Kemp said the renewal will not be mailed to the State until after the approval of the new manager at the August 5, 2009 meeting.

IV. APPLICATION FOR REGISTRATION OF A NEW MANAGER

1. Flavors West, LLC dba Qdoba Mexican Grill, 2536 Rimrock Drive, #100, Grand Jct, CO 81505, Hotel and Restaurant

Todd Rademacher, 3128 N. Teal Ct., Grand Jct, CO 81504 replaces Josh Montoya

No one was present representing the applicant.

City Attorney Shaver asked Ms. Kemp if there is an unusual circumstance for why the new manager is not present. Ms. Kemp advised that unless there is a criminal background revealed on the manager, they are not advised that they have to attend the meeting.

The application for registration for new manager was found to be in order and approved.

V. APPLICATION FOR NEW LICENSE – RESOLUTION, FINDINGS AND DECISION

1. Yummy LLC dba Enzo's Pizzeria and Italian Café, 759 Horizon Drive, Unit N and O, Grand Jct, CO 81506, Hotel and Restaurant – Continued from July 1, 2009

Managing Member: Vincenzo Favale, 2047 F ³/₄ Road, Grand Jct, CO 81507

Vincenzo Favale, Managing Member, and Erica Davis, who conducted the survey, was present.

Ms. Kemp reported the paperwork was found to be in order and accepted. The applicant requested a concurrent review. The applicant currently holds a beer and wine license and will surrender it upon receipt of the new license. Reports came back fine from the Code Enforcement, the Fire Department, and the Sales Tax Department. The background was not checked again because the applicant had just cleared a background check a few months prior when he did a transfer of ownership originally. Ms. Kemp advised that the applicant is expanding his premises with this new application and a Certificate of Occupancy will have to be submitted before the license is issued.

Ms. Kemp read the results of the survey into the record (see attached).

City Attorney Shaver asked who conducted the survey. Ms. Davis said that she did. City Attorney Shaver asked Ms. Davis if she concurred with the results Ms. Kemp read into the record. Ms. Davis agreed and apologized to the applicant and the Authority for the lateness of the survey. City Attorney Shaver asked Ms. Davis how and when the survey was conducted and asked her to address Exhibit #1 of the survey. Ms. Davis said that she spent approximately 52 hours on foot going from business to business and residence to residence, asked people if they would like to sign the survey, and asked the questions as they appeared on the survey. She kept track of how many people were not at home, how many were under 21 years of age, and how many did not want to participate. City Attorney Shaver asked Ms. Davis if she was compensated for her work on this application. Ms. Davis stated that she did not charge the applicant anything because she was so late in completing the survey.

City Attorney Sahver asked Mr. Favale how long he has had his current beer and wine license. Mr. Favale said since March 2009. City Attorney Shaver asked Mr. Favale if he has had any violations or problems since he was issued that license. Mr. Favale said he has not.

Hearing Officer Grattan asked Mr. Favale if he wanted to add anything. Mr. Favale thanked the Authority for the consideration of this license.

Hearing Officer Grattan found the requirements have been met and approved the new hotel and restaurant liquor license on the local level. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

2. Fernando Garcia dba El Primo Taqueria, 511 30 Road, Grand Jct, CO 81504, Hotel and Restaurant

Owner: Fernando Garcia, 482 Dodge Ct., Grand Jct, CO 81504

Fernando Garcia, owner, was present as well as Erica Davis, who conducted the survey.

Ms. Kemp reported the paperwork was found to be in order and accepted. She did explain that they had to correct their business name with the Health Department and the Sales Tax Department, which held up the application. Reports came back fine from the Police Department, Fire Department, Code Enforcement, Health Department, and the Sales Tax Department. The report from CBI is still pending.

Ms. Kemp read the results of the survey into the record (see attached).

City Attorney Shaver asked who conducted the survey. Ms. Davis said that she did. City Attorney Shaver asked Ms. Davis if she concurred with the results Ms. Kemp read into the record. City Attorney Shaver addressed Exhibit A of the petition and asked Ms. Davis if she personally compiled the list showing attempts that were made at various addresses. Ms. Davis said she did. City Attorney Shaver asked about the letters followed by numbers on Exhibit B. Ms. Davis explained that they are the Racquet Club Apartments and those are unit numbers. City Attorney Shaver asked Ms. Davis how and when the survey was conducted. Ms. Davis explained that she would contact businesses in the mornings and residents usually in the evenings or on the weekends for usually about 8 hours per day.

City Attorney Shaver asked Ms. Davis why she attempted multiple attempts at some addresses but not all of them. Ms. Davis said she was told to keep a list of which addresses she made more attempts at.

Hearing Officer Grattan found the requirements have been met and approved the new hotel and restaurant liquor license on the local level. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

3. Grand Junction Hooters L.P. dba Hooters, 2880 North Avenue, Grand Jct, CO 81501, Hotel and Restaurant

Member/Manager: Brian K. Weston, 6610 S. Billings Way, Centennial CO 80111
Member: Thomas E. Campbell, 16453 Stonefeld Pl., Parker CO 80134

Paul Lumbye, Attorney with Rotole, Rotole, Blanchard, and Lumbye, LLC, representing the applicant, and Thomas Campbell, Member, was present.

Ms. Kemp reported the paperwork was found to be in order and accepted. The applicant requested a concurrent review. Ms. Kemp said that there was a disclosure on Mr. Weston's Individual History Report which was confirmed by CBI of a DUI charge in 1991. Ms. Kemp read a letter provided by Mr. Weston regarding the incident. A report came back fine from Code Enforcement. No report was received from the Sales Tax Department. The rest of the departments will report once the building is built and a Certificate of Occupancy is issued.

Ms. Kemp read the results of the survey into the record (see attached).

Hearing Officer Grattan asked about Mr. Weston's role in this operation. Mr. Lumbye explained that he is the majority owner of the parent company. He oversees 24 total restaurants. He is involved in the construction of this building, but not day to day operations once the restaurant is open. They will hire a manager for this location.

Hearing Officer Grattan asked what the anticipated opening date is. Mr. Campbell said October 15, 2009.

City Attorney Shaver asked if Mr. Weston is proposed to be the Manager at this location. Mr. Lumbye said no. They will be hiring a manager for this location. Hearing Officer Grattan noted that on the application, Mr. Weston was listed as the temporary manager. City Attorney Shaver advised that they will need to register a manager. Mr. Lumbye agreed.

Ms. Davis said she conducted the survey and she concurred with the results Ms. Kemp read into the record (see attached). She stated that she spent approximately 52 hours on the survey and that she surveyed businesses during the day and residences in the evenings and on weekends. She asked the questions as they appear on the survey. City Attorney Shaver asked her about Exhibit A and the number of addresses listed and identified as NA or no answer and asked if there were any other reasons offered for not answering the survey. Ms. Davis said there were some businesses where the manager wasn't present and the employee didn't want to sign, there was one under the age of 21, and a language barrier. City Attorney Shaver asked Ms. Davis if and how she was compensated for her work on this application. Ms. Davis stated that she is hoping she will be compensated and that she charged an hourly rate with a cut off at a certain amount. City Attorney Shaver asked if there was any incentive made for her to make additional contacts. Ms. Davis said no.

Mr. Lumbye advised that the percentages of the yes's and the no's for both questions result as 85% to 90% favorable. He also stated that there are only three other restaurants in the designated area, one being a steakhouse and the others being Asian restaurants, which indicates they are meeting a niche that is not there.

Mr. Campbell and Mr. Lumbye gave an overview of the type of restaurant Hooters will be and what food items they will sell, as well as their retail sales. They said their alcohol sales will run 20 to 25% of sales, their food sales will run 70% of sales and 5% of sales will be in merchandise.

William Shuman, 815 25 Road, said that everyone in the room was in favor of the license.

No one in opposition spoke.

Hearing Officer Grattan found the requirements have been met and approved the new hotel and restaurant liquor license on the local level conditioned upon receipt of the final

Certificate of Occupancy. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

VI. OTHER BUSINESS

There was none.

VII. ADJOURNMENT – The meeting was adjourned at 3:17 p.m.

NEXT REGULAR MEETING – August 5, 2009

MEMO: Local Licensing Authority

FROM: Juanita Peterson, Deputy City Clerk

DATE: July 6, 2009

SUBJECT: Application for a new hotel and restaurant liquor license by Yummy, LLC, dba Enzo's Pizzeria & Italian Café, 759 Horizon Drive Unit N & O

Yummy, LLC dba Enzo's Pizzeria & Italian Café, filed an application with the Local Licensing Authority on May 29, 2009 for a new hotel and restaurant liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 759 Horizon Drive, Unit N & O, under the trade name of Enzo's Pizzeria & Italian Café. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for July 1, 2009 but will be continued until July 15, 2009. The Notice of Hearing was given by posting a sign on the property on June 21, 2009 and by publishing a display ad in the Daily Sentinel on June 19, 2009.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Yucatan Court, Cortland Avenue on the South, 28 Road on the East, and on the West by 26 ½ Road and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee or a business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by other existing outlets.

| | |
|-----|-----|
| Yes | 12 |
| No | 146 |

2. As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the license be issued.

| | |
|-----|----|
| Yes | 79 |
| No | 6 |

An Exhibit was provided for a record of attempts at the survey due to no answer, non participant, no manager or under 21 years of age. This is attached as Exhibit 1.

The Grand Junction Police Department has investigated the owner for local criminal history. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, and the City of Grand Junction Sales Tax Department. A final Certificate of Occupancy (CO) will be required from the Building Department upon completion of the addition.

The number of similar-type outlets in the survey area is as follows:

Hotel and Restaurant – 10 (Bin 707, WW Peppers, Grand Vista Hotel, Las Palmas, Coco's Bakery, Holiday Inn Hotel & Suites, Doubletree, Good Pastures, Bookcliff Country Club and Applebee's)

There has not been any remonstrance's or petitions received in the City Clerk's office as of the date of this letter.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
Erica Davis, 927 Colorado Avenue, #3, Grand Jct CO 81501
File

EXHIBIT 1

| Enzo Attempts | | |
|-----------------------|-------------------------|--------------------|
| ADDRESS | REASON | NUMBER OF ATTEMPTS |
| 715 Horizon Dr | NP | 1 |
| 601 Horizon Place | NA | 2 |
| 750 1/2 Horizon Drive | No Manager, NP | 2 |
| 743 Horizon Ct | NP | 1 |
| 753 Horizon Ct | NP | 1 |
| 736 Horizon Dr | Not Over 21, No Manager | 2 |
| 638 Horizon Dr | NA | 2 |
| 750 1/4 Horizon Dr | NP | 1 |
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NA – No Answer

NP-Did not wish to participate

MEMO: Local Licensing Authority

FROM: Juanita Peterson, Deputy City Clerk

DATE: June 4, 2009

SUBJECT: Application for a new hotel and restaurant liquor license by Fernando Garcia dba El Primo Taqueria Mexican Food, 511 30 Road

Fernando Garcia filed an application with the Local Licensing Authority on May 4, 2009 for a new hotel and restaurant liquor license permitting sales of malt, vinous, and spirituous liquors by the drink for consumption on the premises at 511 30 Road, under the trade name of El Primo Taqueria Mexican Food. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for June 17, 2009. The Notice of Hearing was given by posting a sign on the property on June 7, 2009 and by publishing a display ad in the Daily Sentinel on Friday, June 5, 2009.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Patterson Road, D ½ Road on the South, 31 Road on the East, and 29 Road (Sparn Street) on the West. The results of that survey are as follows:

2. As an owner of property in the neighborhood, an employee or a business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by other existing outlets.

| | |
|-----|-----|
| Yes | 8 |
| No | 179 |

2. As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the license be issued.

| | |
|-----|-----|
| Yes | 105 |
| No | 4 |

Exhibits were provided for a record of attempts at the survey due to no answer, no solicitation, non participant, language barrier, or under 21 years of age. These are attached as Exhibits A & B.

The Grand Junction Police Department has investigated the owner for local criminal history and then forwarded prints to CBI. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, and the City of Grand Junction Sales Tax Department.

The number of similar-type outlets in the survey area is as follows:

Hotel and Restaurant – 1 (Leon’s Taqueria, 505 30 Road, which is in Mesa County jurisdiction)

There has not been any remonstrance’s or petitions received in the City Clerk’s office as of the date of this letter.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
Erica Davis, 927 Colorado Avenue, #3, Grand Jct CO 81501
File

Exhibit A

| np = no answer | n/p = no participation | ns = no speculation | | | | | |
|------------------------|------------------------------------|---------------------|----------|---------------|---------------|-----|---|
| 510 29 1/2 Rd | 810 not want to participate | 115 | 11 | 656 | 30RD | n/p | 1 |
| 2897 N | " | | | 628 | 29 1/2 | n/a | " |
| 2938 North | no manager/owner (agency) (tavern) | 114 | 30 1/2 | n/a | " | | |
| 2931 North | not want to participate | 1 | 2902 | Orchard | n/a | " | " |
| 2904 North | " | 1 | 2933 | owner/manager | " | " | " |
| 476 29 Rd | not open | 11 | 2917 | Pinyon | OR | n/a | " |
| 2953 North | np | 1 | 2995 | Pinyon | | n/a | " |
| 2938 Nagapi | wife/owner | 11 | 2985 | Pinyon | | n/a | " |
| 2938 N (tavern) | closed | 11 | 599 | 29 1/2 | manager | | " |
| 435 30RD | N/A | 11 | 2918.5 | Placer | | n/a | " |
| 2956 North | not open | 11 | 634.5 | 29 1/4 Rd | | n/p | 1 |
| 2912 North | not open | 11 | 605 | 29 1/2 Rd | | n/p | 1 |
| 2956 1-70 | manager/owner | 11 | 2920 | 1-70 | manager/owner | | " |
| 3050 170 | " | 11 (Leois) | 505 | 30RD | n/p | " | " |
| 486 30 3/4 | not open | 11 (Pasaut Ch) | 1-20 | | n/a | " | " |
| 2950 2950 N | agent manager/owner | 11 | h1, h-14 | 25 | n/a | " | " |
| 2922 170 | n/p | 1 | 2902 | Orchard | n/a | " | " |
| 3020 Walnut | n/s | 1 | 2903 | " | " | " | " |
| 580 29 Rd | language barrier | 1 | 2910 | N | n/a | " | " |
| 440 30RD | n/a | 11 | 2916 | Pinyon | n/a | " | " |
| 2980 North | n/p | 7R | 2915 | 11-21 | n/a | " | " |

2915 Orchard
2915 "
2915 "
" "
" "

H1 No Answer #
g7 no answer
g10 "
g-13 "
g22 "
g23 "
c-1 "
c-3 "
c-4 "
c-6 Under 21
c-7 n/a
c-11 no answer
c-13 not participate
c-14 Absent
H-13 the
H-27 no answer

Exhibit B

MEMO: Local Licensing Authority
FROM: Juanita Peterson, Deputy City Clerk
DATE: July 6, 2009
SUBJECT: Application for a new hotel and restaurant liquor license by Grand Junction Hooters L.P. dba Hooters, 2880 North Avenue

Grand Junction Hooters L. P. dba Hooters filed an application with the Local Licensing Authority on June 4, 2009 for a new hotel and restaurant liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 2880 North Avenue, under the trade name of Hooters. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for July 15, 2009. The Notice of Hearing was given by posting a sign on the property on July 5, 2009 and by publishing a display ad in the Daily Sentinel on July 3, 2009.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Orchard Avenue, I-70B Business Loop on the South, 29 ½ Road on the East, and on the West by 28 ½ Road (if extended) and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee or a business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by other existing outlets.

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| Yes | 14 |
| No | 127 |

2. As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the license be issued.

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| Yes | 45 |
| No | 5 |

An Exhibit was provided for a record of attempts at the survey due to no answer, non participant, no manager, language barrier, or under 21 years of age. This is attached as Exhibit A.

The Grand Junction Police Department has investigated the owners for local criminal history and forwarded to CBI/FBI for further investigation. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, and the City of Grand Junction Sales Tax Department. A final Certificate of Occupancy (CO) will be required from the Building Department upon completion of the building.

The number of similar-type outlets in the survey area is as follows:

Hotel and Restaurant – 3 (Texas Roadhouse, Zen Garden, EC's Asian Station)

There has not been any remonstrance's or petitions received in the City Clerk's office as of the date of this letter.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
Erica Davis, 927 Colorado Avenue, #3, Grand Jct CO 81501
File

EXHIBIT A

| Hooter Attempts | | |
|---|-----------------------|--------------------|
| ADDRESS | REASON | NUMBER OF ATTEMPTS |
| 505 Morning Glory | NA, NP | 2 |
| 2915 Orchard Ave Buildings a-g (50+ apts.) | NA | 2 |
| 2902 Orchard Apt A-D | NA | 2 |
| 2889 North Ave | (closed), NP | 2 |
| 2931 North Ave | <21, Language Barrier | 2 |
| 2948 I-70 BL | NP | 1 |
| 2910 North Ave | NA, NP | 2 |
| 2912 North Ave | NA | 2 |
| 2820 ½ North Ave | NP | 1 |
| 2845 North Ave | NP | 1 |
| 2934 Orchard | NA | 2 |
| 2938 Orchard | NA | 2 |
| 2940 Orchard | NA | 2 |
| 2944 Orchard | NA | 2 |
| 2946 Orchard | NA | 2 |
| 2948 Orchard | NA | 2 |
| 2949 North Ave | No manager, NP | 2 |
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NA – No Answer

NP-Did not wish to participate