

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

MINUTES

WEDNESDAY, OCTOBER 15, 2008 9:00 a.m.

I. **CALL TO ORDER** – The meeting convened at 9:00 a.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

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

1. TMPTF8 Inc., dba Rib City Grille, mailing address: 359 Colorado Ave., #203, Grand Junction CO 81501, 2830 North Avenue #C-6, Grand Junction CO 81501, Hotel and Restaurant

There was no one present representing the applicant. Ms. Peterson reported that the paperwork was in order and all reports came back fine.

The renewal was approved.

2. Inafuku Inc., dba Suehiro Japanese Restaurant, 541 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

Scott Boyd, the owner's son, was present representing the applicant. Ms. Peterson reported that the paperwork was in order and all reports came back fine.

The renewal was approved.

3. Conchita's Mexican Restaurant, LLC dba Conchita's Mexican Restaurant, 625 24 ½ Road, Unit A, Grand Junction, CO 81505, Hotel and Restaurant

There was no one present representing the applicant. Ms. Peterson reported that the paperwork was in order and all reports came back fine.

The renewal was approved.

4. DR Bowling LLC, dba Freeway Bowl, mailing address: 303 W. Main St., Rangely, CO 81648, 1900 Main Street, Grand Junction, CO 81501, Tavern

Rick Brenton, Owner, was present. Ms. Peterson reported that the paperwork was in order but there is a request from the Health Department to continue this to the next hearing which is November 5, 2008. Ms. Monique Mull from the Health Department was present. Ms. Peterson reported that on the Police Report on August 16, 2008 a written warning was given to the applicant for removal of alcohol from the licensed premise. The sales tax and fire reports were fine.

Mr. Brenton said that in eight years the establishment has had no problems. Hearing Officer Grattan asked Mr. Brenton if he had received a letter from the Health

Department and showed him the letter in question. Mr. Brenton said he had not seen that one.

Ms. Mull stated that she was the author of the letter dated October 14, 2008 and gave a history of issues she has had with this establishment and the compliance agreement that has been issued.

Mr. Butch Trimm, a cook for the establishment was present and stated he has attended the food handler's class as per the compliance agreement. Two others attempted to attend a class but it ended up being a Spanish speaking class. Mr. Trimm said they were working really hard to come into compliance with the Health Department.

Ms. Mull stated they will be having a hearing with the Health Department and therefore, the civil penalty process will be initiated and a notice of non-compliance will be issued to the licensee. Hearing Officer Grattan asked when this would occur. Ms. Mull stated by the end of October.

Hearing Officer Grattan and City Attorney Shaver asked if both Mr. Brenton and Ms. Mull were in agreement to continue this until the November 5, 2008 hearing. Both were. The matter was therefore continued.

5. Thunder Mountain Tavern LLC dba Thunder Mountain Tavern, 2701 Hwy 50, Grand Junction, CO 81501, Tavern

There was no one present representing the applicant. Ms. Peterson reported that the paperwork was in order and all reports came back fine.

The renewal was approved.

6. Bold Petroleum Inc., dba Acorn Food Store, mailing address: Box 603, Colorado Springs, CO 80901-0603, 2222 Hwy 6&50, Grand Junction, CO 81505, 3.2% Beer Retail (Off-Premises)

There was no one present representing the applicant. Ms. Peterson reported that the paperwork was in order and all reports came back fine.

The renewal was approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING AND APPLICATION FOR A TASTING PERMIT

1. College Liquors, Inc. dba College Liquors, 1133 Patterson Road, Unit 9, Grand Junction, CO 81501, Retail Liquor Store – Application for renewal filed 14 days late with the City Clerk's office

Mr. Joe Hambright, Owner, was present. Ms. Peterson reported that the paperwork was in order but submitted 14 days late to the City Clerk's office. Mr. Hambright submitted a letter stating that he did not receive the renewal from the State. Ms. Peterson reported that the applicant did receive a stipulation issued last year.

Mr. Hambright said he wanted to appear before the Local Authority to explain the violation. The violation was selling to an underage person on a sting operation by the

State and it was his employee's second day on the job. Mr. Hambright spoke of the things done at his establishment to run a clean operation:

- Policy in place to make it a priority to ID customers
- Employee can be liable for the fine
- Employees attends the Seller/Server Training offered by the City of Grand Junction
- ID checking machine is used
- State by State ID checking guides are used
- State Liquor Enforcement Officers work with his employees
- ID everyone who looks under 35
- Take ID's out and examine front and back and then run through their machine
- Ask customers their full name and address
- Card everyone in a group to make sure they are all 21
- Employees can refuse to sell to anyone
- \$25 reward if any employee catches a fake ID
- On-line training programs
- Conduct their own sting operations

City Attorney Shaver and Hearing Officer Grattan both thanked Mr. Hambright for him thoroughly explaining of the way he runs his business. City Attorney found good cause for the late filing. Both concurred to approve the renewal.

IV. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE

1. City of Grand Junction dba Two Rivers Convention Center, 159 Main Street, Grand Junction, CO 81501, Hotel and Restaurant license, City of Grand Junction dba Avalon Theater, 645 Main Street, Grand Junction, CO 81501, Arts license, City of Grand Junction dba Lincoln Park Golf Course, 800 Mantlo Circle, Grand Junction, CO 81501, 3.2% Beer (On-Off-Premises)

City Manager: Laurie Kadrach, 625 Mt. Julian Dr., Grand Jct., CO replaces Kelly Arnold
VCB/TRCC Director: Debbie Kovalik, 2284 Shane Ct., Grand Jct., CO replaces Erik J. Stevens for Two Rivers and Avalon Theater

Parks and Recreation Director: Rob Schoeber, 2856 Patterson, Grand Junction, CO 81504, replaces Erik J. Stevens for Lincoln Park Golf Course

Removal of Operating Manager: Michael Brophy on Avalon Theater

Tim Seeberg, General Manager of Two Rivers Convention Center, was present. Ms. Peterson reported that the paperwork was in order and the local police report came back fine but C.B.I. is still pending.

Hearing Officer Grattan asked to clarify what was taking place with this application. Ms. Peterson reported that it was a Charge in Corporate Structure due to new employees with the City of Grand Junction along with a new City Manager.

City Attorney Shaver and Hearing Officer Grattan concurred to approve the Change in Corporate Structure.

V. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH MODIFICATION OF PREMISES

1. Myths and Legends Inc., dba Quincy Bar and Grill, 609 Main Street, Tavern

Additional patio area of 459 sq. ft.

Adelle and William Lloyd, Owners, were present. Ms. Peterson reported that the paperwork was in order and that this was for the annual renewal and the modification of premises to add the outside patio area. The sales tax, fire, and health reports came back fine. Ms. Peterson read the police summary on the establishment for October 1, 2007 thru October 1, 2008 and 4 other separate liquor violations.

City Attorney Shaver stated that his office has been working with Ms. Lloyd regarding the 4 separate violations and a stipulation will be issued once the Hearing Officer has a chance to review it. The stipulation provides a seven day suspension, five days held in abeyance and two days active suspension. All parties are in agreement with this.

Ms. Lloyd explained the changes they have made since taking over the establishment in November 2007 and how they have worked with GJPD and the State Liquor Enforcement Division.

Ms. Peterson read the results of the survey (see attached) into the record for the addition to the patio area.

City Attorney Shaver asked Ms. Lloyd who conducted the survey. Ms. Lloyd said she hired people to do the survey and they were paid a flat rate. City Attorney Shaver asked Ms. Lloyd if she believed the results that Ms. Peterson read into the report were true and accurate. Ms. Lloyd agreed.

Hearing Officer Grattan stated his law office is located in the survey area and he was asked to sign the petition and explained to the person who presented it the reason he would not sign for or against, as he would be the Hearing Officer for the modification.

City Attorney Shaver and Hearing Officer Grattan concurred to approve the annual renewal and the modification of premises. Hearing Officer Grattan said that he would review the stipulation and have Ms. Lloyd and City Attorney Shaver work out the dates for the closure of the establishment.

VI. APPLICATION FOR TRANSFER OF OWNERSHIP

1. Grand White Etkin Court, LLC and White Lodging Services Corporation dba Courtyard by Marriott Grand Junction to RLJ II-C Grand Junction Lessee, LLC and White Lodging Services Corporation dba Courtyard by Marriott Grand Junction, 765 Horizon Drive, Grand Junction CO 81506, Tavern

Ownership:

RJT II-C GJ Lessee, LLC, 3 Bethesda Metro Center, Ste. 1000, Bethesda MD 20814
White Lodging Services Corp., 3 Bethesda Metro Center, Ste. 1000, Bethesda MD 20814

Mr. Daniel Gomez, General Manager, was present along with the new operations manager, Sergio Antillon. Ms. Peterson reported that the paperwork was in order and

all reports came back fine and this is the same ownership that just took place with the Residence Inn and they will be registering a new manager on November 5, 2008.

City Attorney Shaver and Hearing Officer Grattan concurred to approve the Transfer of Ownership for the Courtyard by Marriott.

VII. APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDS AND DECISION

1. Club Liquors Inc., dba Club Liquors, 1040 Independent Ave., Suite A, Grand Junction, CO 81505, Retail Liquor Store

President: Claudia Zamora, 2685 UnawEEP, Grand Jct., CO 81507

VP: Randy Zamora, 2685 UnawEEP, Grand Jct., CO 81507

Claudia and Randy Zamora, Owners, were present. Ms. Peterson reported that the paperwork was in order and the building is not yet complete so a final Certificate of Occupancy (CO) will need to be issued. The City Sales Tax and City Fire department had no objections to the issuance of the liquor license. Ms. Peterson read into the report incidents Mr. Zamora reported on his Individual History and that they matched up with the Police Report. Ms. Zamora's record was clear.

City Attorney Shaver said there are three areas to address and he would take them one at a time. First being Mr. Zamora's personal history statement; second being the survey; and the third the previous violations with Super C convenience store which had a 3.2% beer license.

Mr. Zamora said that two of the DUI's had been dismissed. City Attorney Shaver asked if there was any plea bargain with those. Mr. Zamora said no. Mr. Zamora said he had been convicted on one DUI and one speeding ticket.

Ms. Peterson read the results of the survey into the record (see attached). City Attorney Shaver addressed the survey and asked who conducted the survey. Ms. Zamora said they did along with Vicki Beltran, Bobby DeTray, Stormy Bellah, Shane Peterson, and Daneen Zeck which are all friends. City Attorney Shaver asked what time of day and days of the week this was conducted. The response was some went out during the day, some in the evenings during the week and then a couple went out on the weekend. City Attorney Shaver asked if they agreed with the results Ms. Peterson read into the report. Both agreed. City Attorney Shaver asked if they kept track of those not at home. Ms. Zamora stated they did not; this was the first survey they conducted. City Attorney Shaver asked is they believed it was a good representation of the residential area in the survey boundary. Mr. Zamora said yes as he was a UPS driver in that area for 25 years.

City Attorney Shaver wanted to address each of the four violations issued to Super C which the Zamora's own. Those being on June 8, 2006, November 2, 2007, February 23, 2008, and June 6, 2008. The Zamora's stated these were all sales to minors due to sting operations performed by the State. Mr. and Mrs. Zamora both agreed that they had issues with employees and they have a high turnover at their store due to numerous reasons. They said they do have a written policy and procedures for the store. These violations and applying for the new retail liquor store license is why they surrendered the license for Super C on July 1, 2008.

Mr. Zamora explained that if they are issued retail liquor store license that everything is overseen by Sam's Club also and they are a tenant of Sam's Club. Ms. Zamora said they are focusing on people who have training in the restaurant/tavern industry for their liquor store employees. Also the cash registers will prompt the employees to ask for ID. They will also have an ID checking machine for use.

Hearing Officer Grattan told the Zamora's that what College Liquors has done at their establishment would be a good example for them to follow, which the Zamora's both heard that at this hearing.

Mr. Zamora did say that at the liquor store, if there is any violation, the employee will lose their job.

Hearing Officer Grattan conferred with City Attorney Shaver if he could as the Hearing Officer attach conditions to the granting of the license on the local level. City Attorney Shaver said yes, and also a review period due to the previous record of the owners.

City Attorney Shaver did ask Ms. Maestas to review the C.B.I. record of Mr. Zamora to make sure those two DUI's have been dismissed. Ms. Maestas said she would.

Hearing Officer Grattan asked if there was anyone in the audience for or against the issuance of this license and there was no one. The City Clerk's office did not receive any remonstrance's or petitions regarding this license. Hearing Officer Grattan said he would approve the issuance of the new retail liquor store license but with conditions. They are:

- 1) Review of the license on January 21, 2009 due to the amount of violations issued to a previous license by the same owners (Super C – 3.2% Beer Retail Off-Premises)
- 2) Provide to the Local Authority a Policy and Procedures for the new Liquor Store and programs for training and attend the City of Grand Junction Server/Seller training before January 21, 2009

City Attorney Shaver and Hearing Officer Grattan concurred on the approval with the conditions. The City Clerk's Office will prepare a resolution for Hearing Officer Grattan's signature.

VIII. ADJOURNMENT – 10:25 a.m.

NEXT REGULAR MEETING – November 5, 2008

MEMO: Local Licensing Authority
FROM: Juanita Peterson, Deputy City Clerk
DATE: October 3, 2008
SUBJECT: Application for a modification to expand patio area for an existing tavern liquor license by Myths and Legends dba Quincy Bar and Grill, 609 Main Street.

Myths and Legends filed an application with the Local Licensing Authority on August 6, 2008 for a modification of premises to expand their current location to add 459 sq. ft. to a patio area to permit sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 609 Main Street under the trade name of Quincy Bar and Grill. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for October 15, 2008.

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 Hill Avenue, on the South by 1st Avenue, on the East by 12th Street, and on the West by 1st Street. 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 who resides in the neighborhood for more than six months each year, I believe the proposed modification of premises to expand the current licensed area for patio dining will not conflict with the reasonable requirements of the neighborhood or the desires of the inhabitants.

Yes	173
No	7

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

Yes	35
No	5

A summary was submitted with the petitions from Anne Crawford which is attached.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
File

To: Whomever it may concern.

Re: Quincy Bar

Side notes:

Residences

* Starting at 1st and Main Street then going up to 12th and Main Street; and all streets south of the grid leading to South Avenue were surveyed by Bud and Whitney.

* In the residential areas covered within the grid, on average, 1 in every 5 to 6 property owners/ inhabitants came to the door.

* Residential neighborhoods had an abundance of no soliciting signs on their property, which made it difficult to contact the renters/ homeowners.

* Some residences didn't want to sign anything. Whether they were for, against, or neutral to the relocation, in general, they just didn't want their signature on a survey.
** Addition of the patio area*

* Most churches were closed during the day.

Businesses

* Most businesses seemed open and willing to participate in the survey, although there were a few that weren't for one reason or another.

* Businesses that were surveyed answered at a near 90% rate that was positive.

* Businesses that didn't want to sign were generally neutral and preferred not to have their signatures on the survey.

submitted by Anne Crawford

MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk

DATE: October 6, 2008

SUBJECT: Application for a new Retail Liquor Store license by Club Liquors, Inc., dba Club Liquors, 1040 Independent Avenue, Suite A

Club Liquors Inc. filed an application with the Local Licensing Authority on September 9, 2008 for a retail liquor store license permitting sales of malt, vinous, and spirituous liquors in sealed containers not for consumption at place where sold at 1040 Independent Avenue, Suite A. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for October 15, 2008. The Notice of Hearing was given by posting a sign on the property on or before October 5, 2008 and by publishing a display ad in the Daily Sentinel on October 3, 2008.

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, on the South by the Colorado River extending further south to include Riverside, on the East by 1st Street, and on the West by 24 ½ Road. 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	299
N/A	0

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	212
No	3

Eleven signers were disqualified due to being out of the area.

The Grand Junction Police Department has investigated the owner's for local criminal history. The fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Code Enforcement, City of Grand Junction Sales Tax Department, City of Grand Junction Fire Department, and Mesa County Building Department.

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

Retail Liquor Store – 5 (Crossroads Wine and Spirits, Cottonwood Liquor, Andy's Liquor, Grand Central Liquor, and Fishers Liquor Barn

The number of similar-type outlets in a one mile area in addition to above

Retail Liquor Store – 0

There has not been any remonstrances or petitions received in the City Clerks office as of the date of this letter.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
File