

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

**MINUTES  
WEDNESDAY, JANUARY 6, 2016, 2:00 P.M.**

**HEARING OFFICER MICHAEL GRATTAN**

**I. CALL TO ORDER**

The meeting was called to order at 2:00 p.m. Those present were Hearing Officer Michael Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

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

1. Feather Petroleum Company, dba Stop N Save No. Three, 723 Horizon Drive, Grand Junction, CO 81506, Retail 3.2% Beer Off Premises

No one was present representing the applicant.

The application for renewal for Feather Petroleum Company, dba Stop N Save No. Three was found to be in order and approved.

2. Providence Project, Inc. dba MX Tapas Bar Restaurante, 546 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

City Attorney Shaver asked Ms. Kemp the status of the Occupational Tax for MX Tapas Bar Restaurante. Ms. Kemp stated that the Occupational Tax was due January 1, 2016, payment has not yet been received, and the tax becomes delinquent on February 1, 2016.

The application for renewal for Providence Project, Inc. dba MX Tapas Bar Restaurante was found to be in order and approved.

3. Brinker Restaurant Corporation dba Chili's Grill & Bar, 584 24 ½ Road, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Brinker Restaurant Corporation dba Chili's Grill & Bar was found to be in order and approved.

4. Los Reyes Restaurant, Inc., dba Los Reyes Restaurant, 811 S. 7<sup>th</sup> Street, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Los Reyes Restaurant, Inc., dba Los Reyes Restaurant was found to be in order and approved.

5. Georgia Lu Lujan dba A Taste of Heaven Catering, 2817 North Avenue, Grand Junction, CO 81501, Tavern

No one was present representing the applicant.

The application for renewal for Georgia Lu Lujan dba A Taste of Heaven Catering was found to be in order and approved.

### **III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE AND CHANGE IN CORPORATE STRUCTURE**

1. KMG Enterprises, Inc., dba Boston's The Gourmet Pizza, 2404 Patterson Road, Grand Junction, CO 81505, Hotel and Restaurant

Remove Managing Partner Randy Gulden

No one was present representing the applicant.

The application for renewal for KMG Enterprises, Inc., dba Boston's The Gourmet Pizza was found to be in order and approved.

The application for change in corporate structure for KMG Enterprises, Inc., dba Boston's The Gourmet Pizza was found to be in order and approved.

### **IV. APPLICATION TO REGISTER A NEW MANAGER**

1. Red Robin International, Inc. dba Red Robin America's Gourmet Burgers and Spirits, 2530 Rimrock Avenue, Grand Junction, CO 81505, Hotel and Restaurant

Claude Raymond Jones, Jr., 651 Hudson Bay Court, Grand Junction CO 81504 replaces Jason Gehrken

No one was present representing the applicant.

The application to register a new manager for Red Robin International, Inc. dba Red Robin America's Gourmet Burgers and Spirits was found to be in order and approved.

### **V. APPLICATION FOR A SPECIAL EVENTS PERMIT**

1. Colorado Mesa University Foundation, 1100 North Avenue, Grand Junction, CO 81501 – Concert by the Grand Junction Rockestra on January 16, 2016 from

6:00 p.m. to 10:00 p.m., Robinson Theater in the Moss Performing Arts Center, 1100 North Avenue, Grand Junction, CO 81501, Malt, Vinous, and Spirituous

Pres./Sec'y. of Org.: Peggy Lamm, 507 Dove Ct., Grand Junction, CO 81507  
Events Manager: Calvin Hofer, 721 ½ Willow Creek Road, Grand Junction, CO 81501

Calvin Hofer, Event Manager for Concert by the Grand Junction Rockestra, was present.

Hearing Officer Grattan disclosed that his kids are band kids and he knows Dr. Hofer through that and asked if there is any conflict with that. City Attorney Shaver said there is no conflict found.

City Attorney Shaver handed Mr. Hofer three documents, the first two pages marked as Exhibit A and the third page marked as Exhibit B and asked Mr. Hofer if he has knowledge of the documents. Mr. Hofer said he did because he filled them out. City Attorney Shaver asked Mr. Hofer why he filled out the documents. Mr. Hofer said they are for a special events permit for a Rockestra concert on January 16, 2016 at the Robinson Theater in the Moss Performing Arts Center. City Attorney Shaver asked Mr. Hofer to describe what the proposed event is. Mr. Hofer said it is a concert by the Grand Junction Rockestra, a professional orchestra, and wine and beer is served before the concert and during intermission. City Attorney Shaver asked if there have been any prior events. Mr. Hofer said there have been nine concerts since June of 2011 at the proposed location. City Attorney Shaver asked if there have ever been any problems with the service of alcohol during any of the past events. Mr. Hofer replied that there has not been except at one past event, there was some confusion with wristbands but that was corrected quickly. City Attorney Shaver asked Mr. Hofer how they will ensure that the service of alcohol is lawful and there won't be a repeat of the confusion with wristbands. Mr. Hofer stated that there will be two Citadel security guards at the entrance where the wine and beer is served and will check identification, put wrist bands on, and ensure that no one is intoxicated. There will also be faculty members roaming the place where wine and beer can be consumed. City Attorney Shaver asked Mr. Hofer if the area depicted in red on Exhibit B is the area for service and consumption of alcohol. Mr. Hofer confirmed that to be true. City Attorney Shaver asked Mr. Hofer if the date on the diagram (October 2014) is the date the diagram was prepared. Mr. Hofer said the diagram is from a previous concert that was the same venue and the date didn't get changed. City Attorney Shaver asked whose signature is on the second page of Exhibit A. Mr. Hofer said it is his. City Attorney Shaver asked if the signature represents that the information contained in the document is true and accurate. Mr. Hofer said yes.

No one was present in opposition of the application.

Hearing Officer Grattan entered Exhibits A and B into the record and found that pursuant to Colorado State Statutes 12-48-106, there is no evidence that the issuance of the permit would be injurious to the public welfare because of the nature of the special event (designed to support the local community), its

location within the community (Hearing Officer Grattan couldn't think of a better location), or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws. He found that the application for a special events permit submitted by Colorado Mesa University Foundation for the Concert by the Grand Junction Rockestra on January 16, 2016 was in order and he approved it.

**VI. APPLICATION TO RENEW LIQUOR AND BEER LICENSE – Continued from December 2, 2015**

1. Oceanic Grand Junction, LLC dba Hideaway Lounge, 718 Horizon Drive, Grand Junction, CO 81506 , Tavern – **Continued from December 2, 2015**

Raj Chokshi, Consultant for Oceanic Grand Junction, LLC, and Susan Meders, Manager, were present representing Oceanic Grand Junction, LLC.

Hearing Officer Grattan noted that he has been given copies of two documents on the matter. One document is a memo from Ms. Woodland (Grand Junction Police Department) to Ms. Kemp indicating that there was a December 15<sup>th</sup> citation for noise and other matters with noise with no citations given. The second document deals with fire inspection.

Ms. Kemp reported that the Fire Department reported that the fire alarm system in the assembly building which houses Hideaway Lounge is now code compliant and the Fire Department has no objection to the approval of the renewal.

Hearing Officer Grattan said he has also reviewed a memo with two exhibits regarding the way the State Liquor Enforcement Division is interpreting licensing and asked for City Attorney Shaver's thoughts on the change on licensing procedure. City Attorney Shaver said that it is his view of the law that if the renewal is approved, the service area would be designated as what is marked on the exhibit as Proposed in the upper right hand corner, which would fundamentally change where alcohol may be served and/or consumed compared to the diagram marked as Existing in the upper right hand corner. If the Authority does renew the license, the new diagram would be part of that renewal. Hearing Officer Grattan admitted the documents into the record, the exhibit with Existing as Exhibit A and the exhibit with Proposed as Exhibit B. Hearing Officer Grattan clarified that the renewal as submitted and amended would be for the licensed area shown on Exhibit B. He asked Laura Luke, 702 Putter Drive, present on behalf of a noise complaint for Hideaway Lounge, if she would like to see the exhibits. Ms. Luke said she would and reviewed the exhibits.

Regarding the noise issue, Hearing Officer Grattan entered the memo from Ms. Woodland into the record as Exhibit C. Mr. Chokshi and Ms. Luke reviewed the memo.

Hearing Officer Grattan asked who Samuel Smith and Angelica Garcia (referenced in the memo) were. Mr. Chokshi said that Angelica Garcia is employed as a sales manager for Hideaway Lounge. She was the acting

manager for the event that particular night. Mr. Smith is a promoter and rents out the space from the Travelodge.

City Attorney Shaver asked if the sound proofing and other improvements have been done that were discussed at the prior Liquor and Beer Meeting. Mr. Chokshi said that they are still working on it but the noise level has gone down significantly. They have Citadel Security guards at the events and they are given a decibel meter to regularly inspect the noise level inside and outside the building. Mr. Chokshi said the event where the citations were issued occurred prior to the sound proofing and other improvements. Mr. Chokshi apologized for not knowing the laws for noise in the City of Grand Junction. City Attorney Shaver informed Hearing Officer Grattan what the requirements for noise levels are for the City of Grand Junction. Ms. Meders said that Police Officers are stopping by during events and checking the noise level. City Attorney Shaver reminded Mr. Chokshi and Ms. Meders that at the Liquor and Beer meeting on December 2, 2015, he said they were working on the sound proofing at that time and asked why it was not done prior to the citations issued on December 6, 2015. Mr. Chokshi said that 80 to 90% of the sound proofing is done; there are just a couple of minor things remaining that are being done now. City Attorney Shaver asked Mr. Chokshi if there was a professional sound person advising him of what needed to be done. Mr. Chokshi said they are not professionals but people that he knows from the Mesa Theater that are familiar with acoustics. City Attorney Shaver asked Mr. Chokshi if he had the occasion to correct Ms. Garcia and Mr. Smith relative to the statement made that "he could play the music as loud as he wanted to". Mr. Chokshi said that he did speak with Ms. Garcia but not Mr. Smith because the space is only rented out to Mr. Smith and there is no other representation of either party. He said that for future reference, it is part of the contract that at any given time, inside sound levels cannot exceed 85 decibels. If it does, the music will be shut down. City Attorney Shaver asked who has the authority to shut the music down. Mr. Chokshi said that he or Ms. Meders, the manager, would have the authority to shut the music down.

Hearing Officer Grattan asked Mr. Chokshi when the sound proofing got to 80 to 90% complete. Mr. Chokshi said it was approximately two weeks prior, and before Christmas. Hearing Officer Grattan asked which room, referring to Exhibit B, is where most of the noise comes from. Mr. Chokshi said it is the Independence Ballroom.

Hearing Officer Grattan asked Ms. Luke, using Exhibit B, to indicate where her home is. Ms. Luke indicated that she is a full block, behind and up the hill, and southeast from the ballroom.

Ms. Luke advised that she received two calls from officers from the Grand Junction Police Department and was informed that they had an opportunity to meet with the hotel manager and that additional soundproofing steps had been taken to reduce the noise level. Ms. Luke said the officers gave her the phone number to the manager to call him directly if there are noise issues. Ms. Luke said the very next week, the middle of December, approximately 1:50 a.m. on a Saturday, she could hear the bass and vibration from the hotel. She called the manager and he apologized and said the soundproofing would be complete no

later than the end of December. Ms. Luke named several other neighbors that are still having issues with the noise levels and said it is her opinion that the liquor license should not be renewed. She is concerned if the liquor license is renewed, the loud noise level will just continue. Ms. Luke noted that she spoke to someone who also lives a full block away from the hotel and that person can also hear the loud bass levels.

Hearing Officer Grattan asked Mr. Chokshi when the 80 to 90% completeness of the soundproofing will turn into 100%. Mr. Chokshi said it could be done by the following day (January 7, 2016).

City Attorney Shaver asked Mr. Chokshi if he is a resident of the hotel. Mr. Chokshi said he lives at the hotel.

Mr. Chokshi said he will hire a soundproofing engineer to make sure that the soundproofing is done the right way.

Hearing Officer Grattan found the application for renewal for Oceanic Grand Junction, LLC dba Hideaway Lounge to be in order and approved it with the following conditions:

- 1) The Independence Ballroom must be 100% soundproofed by Friday, January 8, 2016 at 7:00 p.m.,
- 2) The noise issue will be placed on the February 17, 2016 Liquor and Beer meeting agenda for a full review,
- 3) Provide a copy of the contract they use for their performers to Ms. Kemp by January 31, 2016 (*provided on January 8, 2016*),
- 4) Hire a sound engineer to address the noise issue, and
- 5) Hearing Officer Grattan encouraged Mr. Chokshi and the sound engineer he hires to work with and communicate with Ms. Luke and other neighbors and asked Mr. Chokshi to provide a copy to the hearing Authority of any memo or documentation provided by the sound engineer.

## **VII. OTHER BUSINESS**

Hearing Officer Grattan asked Ms. Kemp (referencing her memo regarding hotels and motels holding a tavern liquor license) if Hideaway Lounge is the only hotel that the diagram needs to be addressed due to the type of liquor license. Ms. Kemp confirmed that to be correct. She said there are other hotels and motels holding a tavern liquor license; however, there are no patron rooms included in their licensed premises.

## **VIII. ADJOURNMENT**

The meeting was adjourned at 2:55 p.m.

**NEXT REGULAR MEETING – January 20, 2016**

A

**SPECIAL EVENT PERMIT  
QUESTIONNAIRE AND AFFIDAVIT**

1. Name of Event: Concert by the Grand Junction Rockestra
  
2. How many attendees are expected at this event?  
500
  
3. Has the event been held in the past? If so, how many years?  
Yes, 9 concerts in this venue dating back to June of 2011
  
4. Have there ever been any violations or citations issued during the event in the past?  
No!
  
5. Describe the premises at which this event will take place.  
Robinson Theater in the Moss Performing Arts Center on the campus of Colorado Mesa University,  
including the lobby area and Room 128 adjacent to the lobby area.
  
6. What type of security will be provided at this event?  
2 security personnel will be hired from Citadel Security Company.
  
7. How many security personnel will be on hand?  
2 hired security guards and 4 CMU staff members.
  
8. How will security personnel be identified?  
The hired security guards will be in their Citadel Security Uniform and hats. CMU staff will  
be in bright lime-green shirts that have "staff" on the back.
  
9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked  
(i.e., roped, fenced, etc.)?  
N/A
  
10. What method will be used in checking identification for proper age of attendees (i.e., at the door, at  
the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages  
(i.e., stamp or mark on the hand, etc.)  
The 2 hired security guards in uniform will be at the entrance to the room in which alcohol is served.  
They will check I.D.'s and put wrist bands on those who are old enough.

A

11. How will the conduct and level of intoxication of attendees be monitored and by whom?  
In addition to the 2 hired security guards, two TIPS trained servers will monitor the consumption of alcohol and level of intoxication of attendees.

\_\_\_\_\_  
\_\_\_\_\_

12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?

Yes - T.I.P.S. trained

\_\_\_\_\_  
\_\_\_\_\_

13. What types of alternate beverages and food/snacks will be available?

There will be snacks available for free - pretzels, peanuts; sandwiches will also be available

Water and soda will also be available for sale, and there are numerous water fountains throughout the building.

\_\_\_\_\_

14. Has a State and City Sales Tax Number been initiated by you or a member of your organization? If so, provide those numbers in the space provided.

Yes - 98-05973

\_\_\_\_\_  
\_\_\_\_\_

I hereby certify, under penalty of perjury, that the information provided to the Grand Junction Liquor Licensing Authority contained in this affidavit is true and accurate to the best of my knowledge.

*Calvin Hofer*

Date 12/11/15

Applicant's Signature

STATE OF COLORADO )  
COUNTY OF MESA ) SS.  
CITY OF GRAND JUNCTION)

GAIL K. HOWE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID #20024039468  
My Commission Expires December 14, 2018

Subscribed and sworn to before me this 14<sup>th</sup> day of December, 20 15.

Witness my hand and official seal.

*Gail K. Howe*

My commission expires 12/14/18

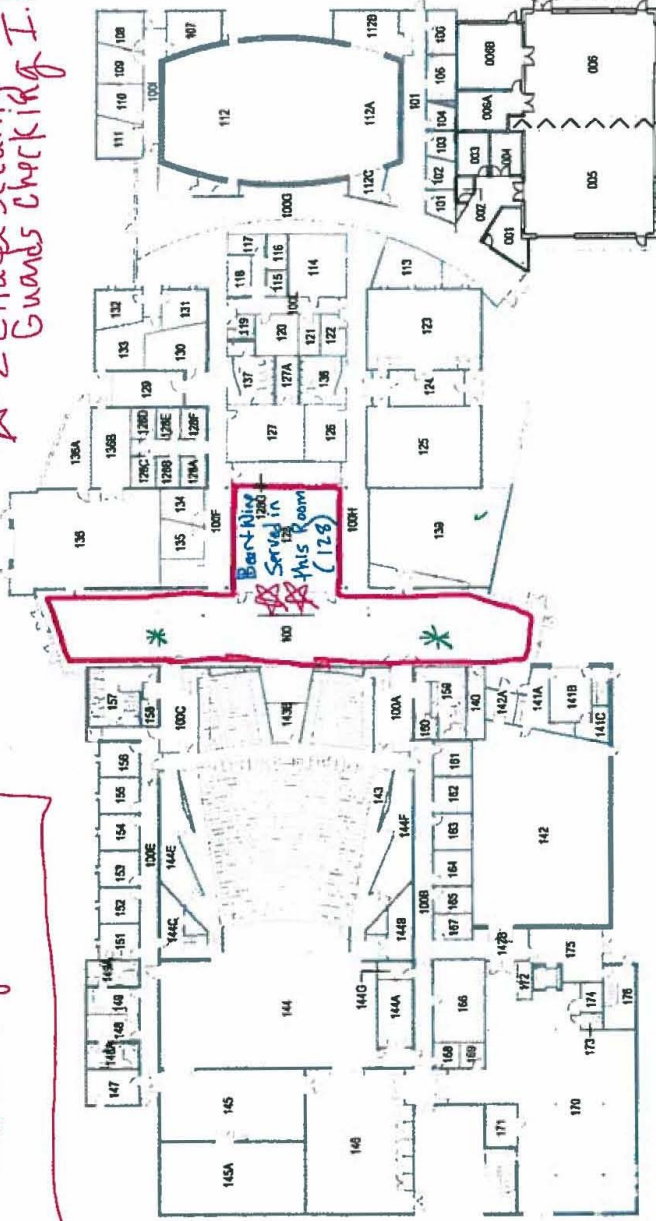
Notary Public



Grand Junction Rockestra Concert  
October 18, 2014

Alcohol permitted only within  
Red boundary

\* = 2 CM staff patrolling  
2 TIPS Trained Personnel  
in Room 128  
\* - 2 Citadel Security  
Guards checking I.D.'s



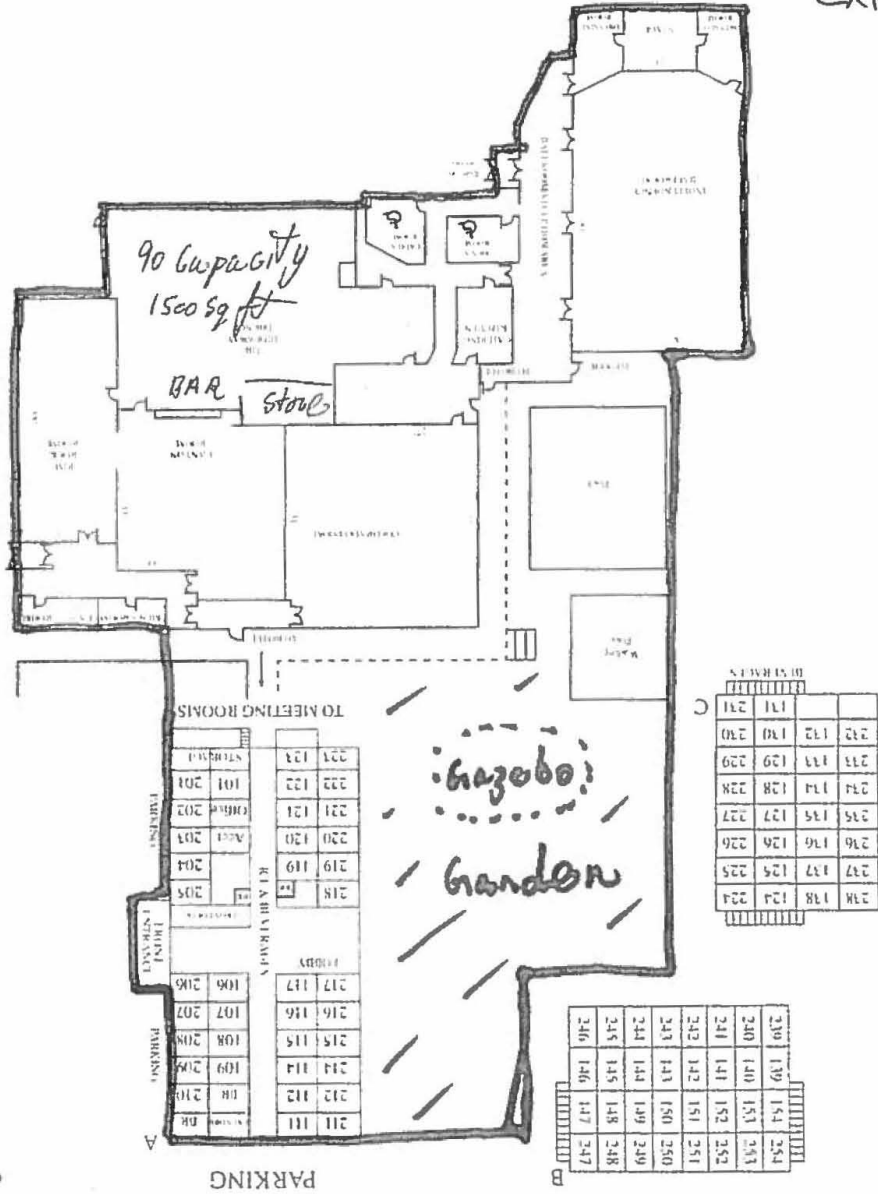
Existing **A**

North  
↑ 1:70

Enter →

Horizon Drive

Exit →



DRIVEWAY

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PARKING

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PARKING

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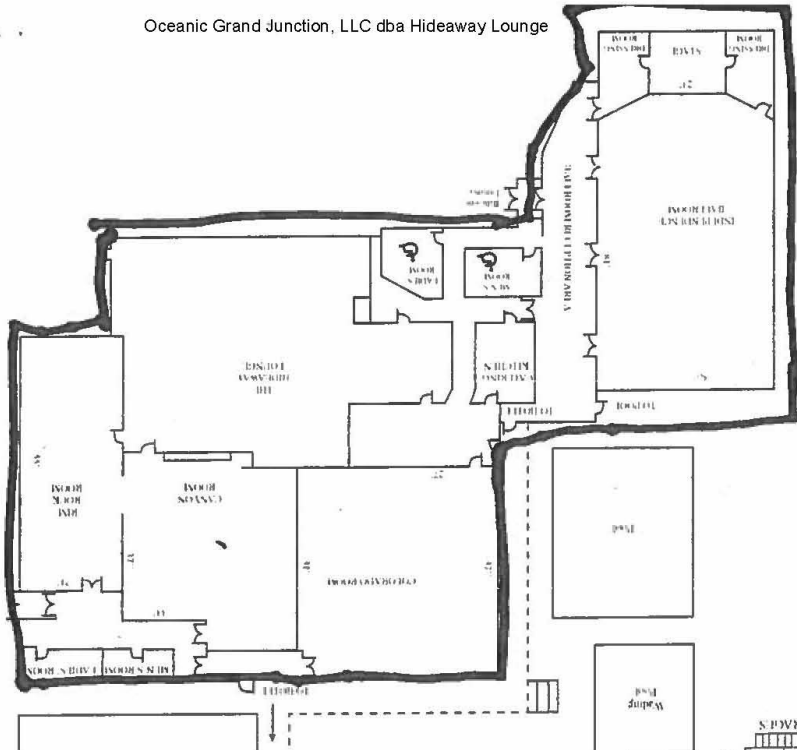
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Oceanic Grand Junction, LLC dba Hideaway Lounge

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RECEPTION

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211	111

RESTROOMS

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204	
203	Accel
202	Office
201	STORAGE

STORAGE

201	101
202	Office
203	Accel
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205	

FRONT ENTRANCE

206	106
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208	108
209	109
210	DR
211	DR

PARKING

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PARKING

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PARKING

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PARKING

Exit →



## Grand Junction Police Department

### Memorandum

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To: Debra Kemp  
From: Meghan Woodland  
Date: December 31, 2015  
Subject: Liquor License Background check

The following background information was completed by searching public records, and records from both Mesa County Sheriff's Office, and Grand Junction Police Department records.

The following establishment has been searched for any completed or pending criminal or administrative cases.

**Oceanic Grand Junction LLC dba Hideaway Lounge, 718 Horizon Drive, Grand Junction, CO 81506**

- 12/06/15 – GJPD case 15-73202 - Samuel Smith and Angelica Garcia were issued citation for noise after at least two calls were made into dispatch about the noise. Officer Horst notes that Smith stated he was not breaking any law and as a liquor establishment he could play the music as loud as he wanted too. Officer Horst stayed for over twenty minutes and the music was never turned down.
- There has been other issues with large parties and fighting, but no citations have been giving to the establishment.