

City of Littleton

Minutes of Proceeding

Littleton Liquor Licensing Authority

November 11, 2009

The Littleton Liquor Licensing Authority met in a regular session on Wednesday, November 11, 2009, at the Littleton City Center, 2255 West Berry Avenue, Littleton, Colorado.

THOSE PRESENT: Anthony Gallagher - Chairperson
Bill Bradish - Vice Chairperson
Earl Gunia – Authority Member
John Cole - Authority Member
Susan Price - Authority Member
Victoria England - Authority Member
Donovan O'Dell - Authority Member

THOSE ABSENT: None

ALSO PRESENT: Alan Katz – Deputy City Attorney
Richelle Work - Deputy City Clerk
Greg Bohlen – Police Sergeant

1. **CALL MEETING TO ORDER**

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

2. **ROLL CALL**

Upon a call of the roll, seven members were present. A quorum was declared. The following business was transacted.

3. **MINUTES**

(a) Minutes of Regular Meeting October 14, 2009

Action: Approved as amended

It was moved by AUTHORITY MEMBER GUNIA, seconded by AUTHORITY MEMBER BRADISH TO APPROVE THE MINUTES AS SUBMITTED.

Ayes: Authority Members Gallagher, Bradish, Cole, Gunia and Price

Nays: None

Absent: None

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**

(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**

FOUR G'S CAFÉ, INC.

DBA: 4 G'S CAFE

5950 SOUTH PLATTE CANYON ROAD

Thomas Dunn, attorney for licensee, and Ofelia and Alfonso Gonzalez were present for licensee. Attorney Dunn stated that the licensee is asking for approval to move to a new space within the same shopping center, moving from Bldg B to units D16-17. The restaurant size is going to be smaller, about 4300 sq. feet.

Attorney Katz 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 - Liquor Authority Communication with Attachments

Exhibit E - Petition Information

Exhibit F - Public Hearing Roster

It was moved by AUTHORITY MEMBER BRADISH, seconded by AUTHORITY MEMBER COLE TO ADMIT EXHIBITS A-F.

Ayes: Authority Members Gallagher, Bradish, Cole, Gunia and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

Kelly Pietrs, Esquire Petitioning. Ms. Pietrs explained the petitioning process. They completed 405 doorknocks, with 96 residents and 21 business owners in support of issuance of the license, for a total of 117. This is 97% in favor of the change of location.

There were 0 persons who signed in opposition, and 4 residents who were neutral.

Authority Member Gunia asked for clarification on the 3rd page, which showed a different number.

Ms. Piets said that it should show 117 on the third page as the total in favor. The 121 number includes the 4 that signed as neutral.

Attorney Dunn asked the Authority to approve the application, but to delay sending in the approval to State Liquor Enforcement until the certificate of occupancy has been issued. The remodel of the space may take as long as six months. Attorney Dunn called Dan Gunter at State Liquor Enforcement and Mr. Gunter suggested that the approval be ordered by the City, but not sent in until the certificate of occupancy is issued.

Attorney Katz supports the delay in sending to the state for approval.

It was moved by AUTHORITY MEMBER BRADISH, seconded by AUTHORITY MEMBER COLE THAT THE APPLICATION TO CHANGE LOCATION FOR THE HOTEL & RESTAURANT LIQUOR LICENSE AT 5950 S PLATTE CANYON RD. BUILDING B TO 5950 S PLATTE CANYON RD. D16-17, BE APPROVED CONTINGENT UPON ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AND UPON APPROVAL FROM THE COLORADO LIQUOR ENFORCEMENT DIVISION.

Ayes: Authority Members Gallagher, Bradish, Cole, Gunia and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

(g) RENEWAL APPLICATION - None

7. **FINDINGS OF PROBABLE CAUSE OF LIQUOR CODE VIOLATIONS AND SCHEDULING SHOW CAUSE HEARING** - None

8. **LIQUOR LICENSE APPLICATION HEARINGS**

- a) JACK-N-GRILL LLC
DBA: JACK-N-GRILL
2630 W BELLEVIEW AVE #150

Joaquin Padilla, attorney for licensee, Jack Martinez I, Anna Martinez, and Jack Martinez II were present for the licensee. Co-Counsel Ken Padilla was also present. Attorney Padilla stated that Jack-n-Grill is a family owned and operated business. Mr. Martinez also owns the Jack-n-Grill restaurant in Denver, which opened in 2000. Jack I and II are knowledgeable of liquor rules and have policies in place for service of alcohol.

Attorney Katz 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 - Liquor Authority Communication with Attachments
- Exhibit E - Petition Information
- Exhibit F - Public Hearing Roster

It was moved by AUTHORITY MEMBER PRICE, seconded by AUTHORITY MEMBER GUNIA TO ADMIT EXHIBITS A-F.

Ayes: Authority Members Gallagher, Bradish, Cole, Gunia and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

Jack Martinez II addressed the authority and gave his background. The restaurant in Littleton opened about 5 weeks ago, but is not yet serving alcohol. He is the registered manager. He previously worked at the Denver location since 2000. Jack Martinez I is the manager at the Denver location. The cuisine is New Mexico style food. The main focus of the business is to operate as a restaurant. The Denver location has held a liquor license since 2003 with no violations. At the Littleton location, alcohol will be served through the server or bartender. There are 60 people employed at the restaurant with two of those being dedicated bartenders. Both bartenders are TIPS certified, as are Jack I and Anna Martinez. All remaining staff will be TIPS trained, including any future employees. Jack II is in the process of obtaining TIPS certification. Employees have monthly meetings addressing liquor sales and procedures. Policy on identification is no ID, no alcohol. Everyone who looks under 40 will be asked for ID. Their policy is that if an employee serves to someone under age or who is visibly intoxicated, the employee is immediately terminated. The patio area is fenced with an exit as required by the Fire Code. Hours of operation will be Monday-Thursday 7am-9pm, and Friday/Saturday 7am-10pm. Seating capacity is 160 inside and 40 on the patio. There is seating at the bar with 30 stools, but no cocktail tables. The patio is located on the north side of the building.

Kelly Piets, Esquire Petitioning. Ms. Piets explained the petitioning process. They completed 549 doorknocks, with 129 residents and 30 business owners in support, for a total of 159 in support of issuance. This is 95% in favor of the license. One resident signed in opposition, and seven residents were neutral.

It was moved by AUTHORITY MEMBER PRICE, seconded by AUTHORITY MEMBER BRADISH THAT THE PUBLIC HEARING BE CLOSED AND A RESOLUTION OF THE LITTLETON LIQUOR AUTHORITY BE APPROVED WHICH GRANTS JACK-N-GRILL LLC, DOING BUSINESS JACK-N-GRILL, 2630

W BELLEVIEW AVE #150., 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 Gallagher, Bradish, Cole, Gunia and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

9. **SHOW CAUSE HEARING** - None

10. **GENERAL BUSINESS** - None

11. **REPORTS**

a) **Staff** – None

Assistant City Attorney – None

b) **Authority Members** – None

c) **Chairperson** – None

12. **ADJOURNMENT** – There being no further business, Chairperson Gallagher adjourned the meeting at 7:50 p.m. on November 11, 2009.



Richelle Work

Deputy City Clerk/Recording Secretary