Tuesday, April 27, 2010

Meeting

The Local Liquor Licensing Authority of the City of Golden, County of Jefferson, State of Colorado, met in the Council Chambers, City Hall, at 911 10th Street, Golden, Colorado at the hour of 7:00 p.m. There being present at the call of the roll the following persons:

MEMBERS: John D. Mitchler, Francis H. Oldham, James A. Sheridan

ABSENT: Tom Stemple, Michael S. Victor

Chairman Mitchler, presiding, declared a quorum present.

Those members of staff also present were as follows:
Mary Lynn Benham, Associate City Attorney
Andrea L. Banks, Deputy City Clerk

Nomination and Appointment of Chair and Vice Chair (Tabled from January 26, 2010)

MEMBER SHERIDAN MOVED, and Member Oldham seconded, that Chairman Mitchler be re-elected as Chair.
Voting results were as follows:

YES: Mitchler, Oldham, Sheridan

NO: None

ABSENT: Stemple, Victor

MEMBER SHERIDAN MOVED, and Member Mitchler seconded, that Member Oldham be re-elected as Vice Chair.
Voting results were as follows:

YES: Mitchler, Oldham, Sheridan

NO: None

ABSENT: Stemple, Victor

The Chairman declared the motion carried.

Approval of Agenda

MEMBER OLDHAM MOVED, and Member Sheridan seconded, that the agenda be approved,
as presented.
Voting results were as follows:

YES:  Mitchler, Oldham, Sheridan

NO:  None

ABSENT: Stemple, Victor

The Chairman declared the motion carried.

Approval of Minutes of January 26, 2010

MEMBER MITCHLER MOVED, and Member Oldham seconded, that the minutes of January 26, 2010, be approved.
Voting results were as follows:

YES:  Mitchler, Oldham, Sheridan

NO:  None

ABSENT: Stemple, Victor

The Chairman declared the motion carried.

Public Comment

There was no public comment.

Renewal – AGAD Inc. d/b/a Anthony’s Pizza & Pasta of Golden, 600 12th Street, #120, Golden

Deputy City Clerk Banks noted that the renewal is before the Authority since the licensee had a violation during the preceding year.

George D’Amico, 10928 W. 65th Circle, owner, was present to answer questions of the Authority.

MEMBER SHERIDAN MOVED, and Member Oldham seconded, that the Renewal of the Hotel and Restaurant Liquor License for AGAD Inc. d/b/a Anthony’s Pizza & Pasta of Golden, 600 12th Street, #120, Golden, be approved.
Voting results were as follows:

YES:  Mitchler, Oldham, Sheridan
The Chairman declared the motion carried.

Modification of Premises - Johnson Enterprises Inc. d/b/a Blue Canyon Bar & Grill, 1224 Washington Ave., Suite 135

It was noted that a representative from Blue Canyon Bar & Grill had not yet arrived.

MEMBER SHERIDAN MOVED, and Member Oldham seconded, that the Modification of Premises for Johnson Enterprises Inc. d/b/a Blue Canyon Bar & Grill, 1224 Washington Ave., Suite 135, be moved after the Transfer of Ownership Application for Rocky Mountain Swirl Inc. d/b/a Lighthouse Liquors West from Lighthouse Liquors Inc. d/b/a Lighthouse Liquors, 14777 W. 6th Ave, Golden, on the agenda.

Voting results were as follows:

YES: Mitchler, Oldham, Sheridan

NO: None

ABSENT: Stemple, Victor

The Chairman declared the motion carried.

Transfer of Ownership Application – Rocky Mountain Swirl Inc. d/b/a Lighthouse Liquors West from Lighthouse Liquors Inc. d/b/a Lighthouse Liquors, 14777 W. 6th Ave, Golden

Deputy City Clerk Banks gave background information on the transfer. It was noted that the application was complete and the police department did not find any indication that applicants Marcia Burton Miller and Melissa Miller would be unable to uphold the responsibilities of a liquor license. A temporary license was issued and expires July 9, 2010.

Marcia Burton Miller, owner, 14799 W. 6th Avenue, was present and answered questions of the Authority. She noted that on some application documents, the location address was incorrect, noting it should be 14799 W. 6th Avenue, not 14777 W. 6th Avenue, and would be corrected.

Member Sheridan stated that the memo from the police department had typos needing correction and requested clarification of the results of their background investigation before he could render a decision whether to approve the transfer.

In response to a question from Member Sheridan about information that appeared to have been left blank on the applicant’s individual history record, Deputy City Clerk Banks stated that personal identifying information and sensitive information such as social security numbers are
redacted as a standard practice before documents are mailed in the packets that are sent to the Liquor Authority.

Member Sheridan also noted that he would like clarification regarding the Affidavit of No Financial Interest signed by the former licensee, since it was also signed by the applicant. He inquired of the city attorney whether it should have the applicant’s acknowledgement, rather than her signature as an affiant to the affidavit. Associate City Attorney Benham replied that it would be clearer if the applicant’s signature only reflected an acknowledgement. Member Sheridan also requested being provided a copy of the stipulation documents, since they are referenced in the Affidavit, and suggested tabling the transfer request until these items could be addressed.

Member Victor arrived at 7:41 p.m.

MEMBER SHERIDAN MOVED, and Member Oldham seconded, that the Transfer of Ownership of the Retail Liquor Store License to Rocky Mountain Swirl Inc. d/b/a Lighthouse Liquors West from Lighthouse Liquors Inc. d/b/a Lighthouse Liquors, 14777 W. 6th Ave, Golden, be tabled to the next meeting of the Authority.
Voting results were as follows:

YES: Mitchler, Oldham, Sheridan

NO: None

ABSENT: Stemple

ABSTAIN: Victor

The Chairman declared the motion carried.

Modification of Premises - Johnson Enterprises Inc. d/b/a Blue Canyon Bar & Grill, 1224 Washington Ave., Suite 135

Deputy City Clerk Banks stated that the application for modification of the premises reflects the current location of the downstairs bar, office and storage area, which were moved during construction.

Jolynn Johnson, owner, 1224 Washington Avenue, was present and answered questions of the authority.

MEMBER SHERIDAN MOVED, and Member Oldham seconded, that the application for Modification of Premises for Johnson Enterprises Inc. d/b/a Blue Canyon Bar & Grill, 1224 Washington Ave., Suite 135, be approved.
Voting results were as follows:
YES: Mitchler, Oldham, Sheridan, Victor

NO: None

ABSENT: Stemple

The Chairman declared the motion carried.

Other Matters

Associate City Attorney Benham gave an update on the Marcelos Inc. judicial review request, noting that the city’s CIRSA attorney is waiting for the plaintiff to file an opening brief, so that an answer may be filed with District Court in response.

Deputy City Clerk Banks gave an update on council’s consideration of converting to a sole hearing officer in regard to the Local Licensing Authority. She noted that the next steps will be for an ordinance amending the municipal code to be submitted to council for first reading on May 6, followed by second reading of the ordinance and public hearing on June 3. If the ordinance is passed and adopted, then an interview process would be conducted to fill the position. Associate City Attorney Benham stated that the proposed effective date of the ordinance would be September 1, with the Authority remaining in place until that time, and explained that all three members of the staff of the City Attorney’s office would be involved in drafting the ordinance. The qualifications of the sole hearing officer would be determined by council.

Member Victor noted that council had not sought the Authority’s input but felt that the quality of the process will be best supported if the current Authority is consulted as to the qualifications needed for a sole hearing officer.

Member Sheridan stated that he was disappointed with the communication about the process and lack of consultation with the current Authority. He had questions about the wisdom of going from a citizen board, i.e. a jury of peers, to a sole hearing officer, i.e. a judge-type role. He also questioned whether having a sole hearing officer will provide more fair or expeditious outcomes. He stated that his intention was to serve the best interests of licensees and the city.

Chairman Mitchler noted that the Authority was invited to discuss the idea of a sole hearing officer with council at its February 4 meeting and three members did participate in that discussion. He stated that he could see the value of making the change to a sole hearing officer and noted that council is considering what would be best for licensees and the city in terms of cost effectiveness, overall fairness, judiciousness and consistency. He felt that it was moving from a citizen board model to a more bureaucratic model.

Member Oldham noted that council had also proposed establishing an advisory task force to look at alcohol issues and suggested that staff could contact the crime prevention subcommittee of the criminal justice planning committee at Jefferson County to investigate the
work they have done in this area.

The Authority also expressed uncertainty with making decisions on upcoming licensing matters if council has concerns with their procedure, or if they perceive the Authority as unfair or inconsistent.

The Authority agreed to postpone the Sanctioning Guidelines discussion.

Adjournment

There being no further business to come before the Authority, the meeting adjourned at 8:20 p.m.

Susan M. Brooks, MMC
City Clerk

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Andrea L. Banks, Deputy City Clerk
Secretary to the Local Licensing Authority

Approved by Licensing Authority:

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John D. Mitchler
Chairman