

SUMMARY MINUTES OF THE ARVADA LIQUOR LICENSING AUTHORITY
REGULAR MEETING HELD OCTOBER 8, 2009

1. CALL TO ORDER - By Chairman Spano at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS

Those present were: Gus Spano, Rob Wolf, Alan Albrandt, and Cheryl Witt

Chairman Spano moved to excuse Jed Ladd from the meeting.

The following votes were cast on the motion:
Those voting Yes: Spano, Wolf, Albrandt, Witt
Those Absent: Ladd
The motion carried

Also present were: William Barber, Senior Assistant City Attorney; Susan Gaetano, Licensing Investigator and Judy Lydick, Recording Secretary.

4. APPROVAL OF MINUTES – September 24, 2009.

Chairman Spano moved to approve the Summary of Minutes of the regular meeting of September 24, 2009.

The following votes were cast on the motion:
Those voting Yes: Spano, Wolf, Albrandt, Witt
Those Absent: Ladd
The motion carried

5. OLD BUSINESS - none
6. NEW BUSINESS - none
7. PUBLIC HEARINGS –

- A. Application for the Hotel and Restaurant Liquor License of Udi's at Grandview, LLC d/b/a Udi's at Grandview, 7600 Grandview Avenue

The public hearing opened.

Sworn Testimony: Robin Bar-on, Managing Member of Udi's at Grandview, LLC
Greg Phelan, Account Manager for Udi's at Grandview, LLC
Kelly Pietrs, Petitioner for the Applicant Esquire Petitioning Services, LLC

The Applicant presented three exhibits:

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|-----------|-----------------------------------|
| Exhibit 1 | Petition packet number one |
| Exhibit 2 | Petition packet number |
| Exhibit 3 | Posting Log and Posting Affidavit |

The city presented four exhibits:

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|-----------|---|
| Exhibit A | Licensing Investigator's Clearance Memo |
| Exhibit B | Publisher's Affidavit |
| Exhibit C | Pictures of posted signs |
| Exhibit D | Applicant's file |

Chairman Spano moved to accept the exhibits into the record.

The following votes were cast on the motion:

Those voting Yes: Spano, Wolf, Albrandt, Witt

Those Absent: Ladd

The motion carried

No one else was present wishing to speak for or against the application.

The public hearing closed.

A public hearing on the Application for the Hotel and Restaurant Liquor License of Udi's at Grandview, LLC d/b/a Udi's at Grandview, 7600 Grandview Avenue, Arvada, Colorado was held on Thursday, October 8, 2009, before the City of Arvada Liquor Licensing Authority (hereinafter "Authority"). After considering all of the evidence presented at said public hearing, reviewing the exhibits, petitions, remonstrances, and considering all of the facts presented, the Authority adopts the following Findings of Fact:

1. The neighborhood to be served by the requested license is that area surrounded by the following:

On the North by the centerline of West 64th Avenue and extensions thereof
On the East by the centerline of Lamar Street and extensions thereof
On the South by the centerline of West 52nd Avenue and extensions thereof
On the West by the centerline of Carr Street and extensions thereof

2. The City Clerk's Results of Investigation dated October 2, 2009, is incorporated herein and made a part hereof.

3. Representatives of the applicant testified as to the character and reputation of the individuals involved in the application and plans for operation of the proposed outlet.
4. The Authority finds there are 15 similarly licensed outlets presently existing within the applicant's delineated boundary.
5. The applicant submitted petitions containing the signatures of approximately 201 persons, none of which were deleted. Of the petition signers, 198 support the issuance of the proposed license and three oppose it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license. (The evidence indicated that several persons contacted were opposed to the issuance of the license for various reasons. The Authority has not considered those objections to the issuance of the license, which are not consistent with the Colorado Liquor Code).
6. No persons, other than representatives of the applicant testified in support of the proposed license regarding the needs and desires of the neighborhood.
7. The Authority finds the applicant's file is complete.
8. The City Zoning permits the use of the subject property for the proposed outlet.
9. No petition in opposition was received and no person spoke in opposition. The Authority finds there has been an adequate showing the present outlets in and near the neighborhood are not meeting the reasonable requirements thereof.
10. As authorized by C.R.S. 12-47-313 (III), Section 6-97 of the Code of the City of Arvada allows for the issuance of a Liquor License within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. Therefore, the Licensing Authority does not need to determine whether the proposed outlet is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary.
11. The Authority has considered all of the evidence coming before the Authority at the public hearing and finds the evidence does establish conclusively:

- A. The reasonable requirements of the neighborhood are not presently being met.
- B. The desires of the inhabitants of the neighborhood are consistent with these Findings and the granting of the application.
- C. The character and reputation of the individuals involved in the application are satisfactory.

Chairman Spano moved that the foregoing Findings of Fact be Adopted and the Application for the Hotel and Restaurant Liquor License of Udi's at Grandview, LLC d/b/a Udi's at Grandview, 7600 Grandview Avenue, Arvada, Colorado, be and the same is Approved.

The following votes were cast on the motion:

Those voting Yes: Spano, Wolf, Albrandt, Witt

Those Absent: Ladd

The motion carried

- B. Alleged Violation of the Tavern Liquor License of Double Overtime Bar and Grill, Inc. d/b/a Arvada Tavern, 5707 Wadsworth Boulevard (May 30, 2009 Alleged Violation)

Chairman Spano moved that the Alleged Violation of the Tavern Liquor License of Double Overtime Bar and Grill, Inc. d/b/a Arvada Tavern, 5707 Wadsworth Boulevard (May 30, 2009 Alleged Violation), be continued to October 22, 2009 at 5:30 p.m.

The following votes were cast on the motion:

Those voting Yes: Spano, Wolf, Albrandt, Witt

Those Absent: Ladd

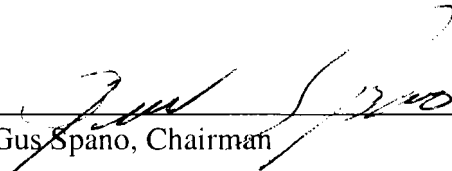
The motion carried

- C. Alleged Violation of the Tavern Liquor License of Double Overtime Bar and Grill, Inc. d/b/a Arvada Tavern, 5707 Wadsworth Boulevard (June 23, 2009 Alleged Violation)

Chairman Spano moved that the Alleged Violation of the Tavern Liquor License of Double Overtime Bar and Grill, Inc. d/b/a Arvada Tavern, 5707 Wadsworth Boulevard (June 23, 2009 Alleged Violation), be continued to October 22, 2009 at 5:30 p.m.

The following votes were cast on the motion:
Those voting Yes: Spano, Wolf, Albrandt, Witt
Those Absent: Ladd
The motion carried

8. OTHER AUTHORITY ITEMS – none
9. STUDY SESSION – none
10. REPORT FROM CITY ATTORNEY’S OFFICE – none
11. REPORT FROM CITY CLERK’S OFFICE – none
12. REPORT FROM POLICE DEPARTMENT – none
13. ADJOURNMENT – 6:01 p.m.



Gus Spano, Chairman

ATTEST:





Judy Lydick, Recording Secretary