

Local Licensing Authority

Agenda

July 22, 2019

City Hall, Council Chambers

749 Main Street

7:00 PM

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Public Comments on Items Not on the Agenda**
- V. Action on Minutes – 6/24/19**
- VI. Consent Agenda**

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under "Authority Business". In such an event the item shall be removed from the "Consent Agenda" and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading "Consent Agenda" will appear in the Authority minutes in their proper order.

- A. Renewal Application – Hei Han Enterprises Inc. d/b/a Henry's Bar & Grill – Tavern Liquor License – 935 Pine Street
- B. Manager Registration – Tokyo Inc. d/b/a Tokyo Joe's – Hotel and Restaurant Liquor License – 1116 W. Dillon Rd. #C2-5
- C. Renewal Application – Tibet's Restaurant and Bar LLC d/b/a Tibet's Restaurant and Bar – Hotel and Restaurant Liquor License – 321 McCaslin Blvd.
- D. Special Event Liquor Permit Application – Louisville Art Association – 801 Grant Ave. 8/31 and 9/6/2019
- E. Special Event Liquor Permit Application – Walter Rhoades American Legion Post 111 – Memory Square Park – 7/27/19
- F. Renewal Application/Tasting Permit Renewal – Centennial

City of Louisville

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Colorado Inc. d/b/a Centennial Wine & Spirits – Retail Liquor Store
License – 324 S. McCaslin Blvd.

G. Renewal Application – Miles Sports Pub Inc. d/b/a Miles Sports
Pub & Grub – Hotel and Restaurant Liquor License – 328
McCaslin Blvd.

H. Renewal Application – Moxibrot Baking Unlimited d/b/a Moxie
Bread Co – Hotel and Restaurant Liquor License – 641 Main Street

VII. Authority Business

A. Public Hearing – New Retail Marijuana Store – Little Lemon LLC d/b/a
Little Lemon – 1655 Courtesy Road

B. Change in Ownership Structure – Compassionate Pain
Management LLC d/b/a Ajoya – Combined Retail/Medical
Marijuana – 1100 W. Dillon Road

C. Discussion/Direction – Fee changes

VIII. Police Department Report

A. Incident Report – Mudrock's – 2/17/19

B. Incident Report – Henry's/Tilt – 6/14/19

C. Incident Report – Por – 7/6/19

D. Incident Report – Lulu's/Waterloo/Henry's – 6/17/19

IX. Secretary's Report

A. Attendees at seller/server training June 23, 2019

X. Authority Attorney's Report

XI. Authority Comments

XII. Discussion Items for Next Meeting – August 26, 2019 @ 7:00 p.m.

XIII. Adjournment

Local Licensing Authority

Meeting Minutes

June 24, 2019
City Hall, Spruce Room
749 Main Street
7:00 PM

Call to Order – Chairperson Machado called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

Authority Members Present: Matthew Machado, John Carlson, Marguerite Lipton, Kyle Brown.

Absent: Bart Watson and Elizabeth Kaufman

Staff Members Present: Melinda Culley – Kelly P.C.
Dave Hayes, Police Chief
Carol Hanson, Deputy City Clerk

Approval of Agenda – Chairperson Machado called for changes to the agenda. Lipton made a motion to approve the agenda. Carlson seconded. All in favor. Absent: Watson and Kaufman. Agenda approved.

Approval of Meeting Minutes – 05/20/19 – Machado called for any changes to the minutes. Carlson moved to approve the minutes. Lipton seconded. All in favor. Minutes approved.

Approval of Consent Agenda – The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the consent agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and the Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

- A. Renewal Application – Lucky Pie LLC d/b/a Lucky Pie Pizza –
Hotel and Restaurant Liquor License – 637 Front Street

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- B. Renewal Application – Cinebarre LLC d/b/a Cinebarre – Hotel and Restaurant Liquor License – 1164 W. Dillon Road
- C. Renewal Application – Via Toscana LLC d/b/a Via Toscana – Hotel and Restaurant Liquor License – 356 McCaslin Blvd.
- D. Renewal Application – KCSP Inc. d/b/a Busaba – Hotel and Restaurant Liquor License – 133 McCaslin Blvd. Unit H
- E. Renewal Application – Hana Japanese Bistro Inc. d/b/a Hana Japanese Bistro – Hotel and Restaurant Liquor License – 1148-6 W. Dillon Rd.
- F. Renewal Application – Albertsons LLC d/b/a Safeway Store #2812 – Fermented Malt Beverage License – 910 W. Cherry Avenue
- G. Renewal Application – Qdoba Restaurant Corporation d/b/a Qdoba Mexican Eats – Hotel and Restaurant Liquor License – 459 S. McCaslin Blvd Ste. 1
- H. Manager Registration – Cerca Trova Southwest Restaurant Group LLC d/b/a Outback Steakhouse – Hotel and Restaurant Liquor License – 988 W. Dillon Road

Machado called for any changes to the consent agenda. Carlson moved the consent agenda be approved. Brown seconded. All in favor. Consent agenda approved.

Authority Business

- A. Transfer Application – WELL Balfour Tenant LLC d/b/a The Lodge at Balfour – Lodging and Entertainment Liquor License – 1331 E. Hecla Dr.
- B. Transfer Application – WELL Balfour Tenant LLC d/b/a The Residences at Balfour – Lodging and Entertainment Liquor License – 1336 E. Hecla Dr.

Machado called the items. Authority members decided to consider the two transfers together as they are both part of the same changes. Lipton noted she has a relative living in one of these facilities and asked if she needed to recuse herself. Chairperson Machado and Attorney Culley agreed that was not a conflict.

Brown moved the Authority approve both transfer applications. Carlson seconded. All in favor.

C. Transfer Application – Asian Dragon Inc. d/b/a Asian Dragon – Beer and Wine License – 1387 E. South Boulder Road

Chairperson Machado called the item. Frank Su noted he was here with his father's friend Xing Chu Du current owner of the restaurant. Carlson asked if they were going to change the name of the restaurant. The applicant responded he was not going to change the name and wanted to change it on the application to keep the name Mr. Sake Sushi and Grill.

Machado called for member discussion and hearing none called for a motion. Carlson moved the Authority approve the transfer application for Asian Dragon Inc. d/b/a Mr. Sake Sushi and Grill. Lipton seconded. All in favor. Transfer approved.

D. Change in Ownership Structure – Compassionate Pain Management LLC d/b/a Ajoya – Combined Retail/Medical Marijuana – 1100 W. Dillon Road

Machado introduced the item and noted it is going from 100% owned by Shaun Gindi to his having 50% and three other individuals splitting the remaining 50%. He noted he had confirmed with Secretary Hanson that the three individuals being added were all over 21 years of age.

Brown asked Attorney Culley for the basis on which the Authority could not allow this. She noted it would be if any of the owners have a criminal record that disallows them owning a marijuana business. There are some enumerated offenses such as felony drug offenses that prevent someone from holding a marijuana license. If their criminal background shows they are not of good moral character, could be basis for denial. We are been relying on the State for the background checks. Secretary Hanson noted on this particular application she had not heard if it had been approved by the State nor if they ran into anything in the background checks.

Machado asked if our standards are the same as the state. Culley noted yes it would likely be the same but there could be slightly different interpretations of good moral character. The enumerated offenses would be the same.

Machado wondered if this should be continued. He asked if there was a spot where they had to report any offenses in the application. Members found the question in the application.

Carlson suggested the Authority approve contingent upon the State reporting their approval. Brown wondered if there could be offenses in the background the Authority would find indicative of poor moral character.

Machado said he didn't see any reason to rush this. Authority members agreed.

Machado made a motion to continue this item to the next meeting. Brown seconded. Roll Call Vote: Brown – yes, Carlson – no, Lipton – yes and Machado – yes. Motion passes. Continued.

Police Department Reports

Chief Hayes noted he would provide Secretary Hanson with a report for the Authority to consider at the next meeting. He noted the Street Faire had gone well so far. He said drug and alcohol incidents continue to increase. Starting July 1, the Colorado Bureau of Investigation's lab will be doing the blood alcohol work for DUI arrests. What is important about that is they automatically run them for alcohol as well as a panel to allow seeing the impact of marijuana in the state. It is free to local law enforcement as it will be paid by marijuana tax. There will still be a charge for the actual blood draw.

Secretary's Report

No report.

Authority Attorney's Report

No report.

Authority Comment

Adjourn – Carlson moved to adjourn. Lipton seconded. All in favor. The meeting was adjourned at 7:24 p.m.

**SUBJECT: RENEWAL APPLICATION – HEI HAN ENTERPRISES, INC.
D/B/A HENRY’S BAR & GRILL – TAVERN LIQUOR LICENSE
– 935 PINE ST.**

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Hei Han Enterprises, Inc., d/b/a Henry’s Bar & Grill has submitted an application for renewal of its Tavern Liquor License – 935 Pine Street.

The lease for the licensed premises is current and on file.

Certificate of Good Standing is current and on file.

There was one incident over the past year that required the filing of a police report. Authority members noted the establishment did the right thing.

There were nine employees who attended liquor training in the past year.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for Tavern Liquor License for Henry’s Bar & Grill - 935 Pine Street.

Alternatively, the Authority may set a hearing on this renewal application, which hearing may be held after proper notice.

**SUBJECT: MANAGER REGISTRATION – TOKYO INC D/B/A TOKYO
 JOE’S – HOTEL AND RESTAURANT LIQUOR LICENSE –
 1116 W DILLON STE C2-5**

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Tokyo, Inc. d/b/a Tokyo Joe’s has submitted an application for a manager registration for its Hotel and Restaurant Liquor License at 1116 W Dillon.

Joshua Staab is the new manager.

RECOMMENDATION:

Authority approve the manager change for a Hotel and Restaurant Liquor License for Tokyo, Inc. d/b/a Tokyo Joe’s at 1116 W Dillon.

SUBJECT: RENEWAL APPLICATION – TIBET’S RESTAURANT & BAR,
LLC D/B/A TIBET’S RESTAURANT & BAR – HOTEL AND
RESTAURANT LIQUOR LICENSE – 321 MCCASLIN BLVD.
SUITE A

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Tibet’s Restaurant & Bar, LLC d/b/a Tibet’s Restaurant & Bar, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 321 McCaslin Blvd. Suite A.

Lease for the premises is current and on file.

There were no employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year requiring the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for Hotel and Restaurant Liquor License – Tibet’s Restaurant & Bar, LLC d/b/a Tibet’s Restaurant & Bar – 321 S. McCaslin Blvd Suite A.

Alternatively, the Authority may set a hearing, which may be held after proper notice.

**SUBJECT: SPECIAL EVENTS PERMIT – LOUISVILLE ART
ASSOCIATION – EVENT AT 801 GRANT AVENUE – 8/31
and 9/6/2019**

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The applicant, Louisville Art Association has submitted a Special Events Permit Application for 8/31 and 9/6/2019.

The premises have been posted for 10 days with no protests filed.

RECOMMENDATION:

Authority approve the Special Events Permit.

**SUBJECT: SPECIAL EVENTS PERMIT – WALTER RHOADES
AMERICAN LEGION POST 111 – MEMORY SQUARE PARK
– 7/27/19**

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The American Legion has submitted an application for Special Events Permit for the Legion's 100th anniversary celebration being held at Memory Square Park. The premises has been posted for ten days with no protests received.

RECOMMENDATION:

Authority approve the Special Events Permit.

SUBJECT: RENEWAL APPLICATION/TASTINGS PERMIT – CENTENNIAL COLORADO INC. D/B/A CENTENNIAL WINE & SPIRITS – RETAIL LIQUOR STORE LICENSE – 324 SOUTH MCCASLIN BLVD.

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Centennial Colorado Inc. d/b/a Centennial Wine and Spirits, has submitted an application for renewal of its Retail Liquor Store License and Tastings Permit located at 324 S. McCaslin Blvd.

The premises are leased and the lease is current and on file.

There were four employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the application for renewal of a Retail Liquor Store License/Tastings Permit – Centennial Colorado Inc. d/b/a Centennial Wine and Spirits.

Alternatively, the Authority may set a hearing on the application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION MILES SPORTS PUB, INC. D/B/A
MILES SPORTS PUB & GRUB – HOTEL AND RESTAURANT
LIQUOR LICENSE – 328 MCCASLIN**

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Miles Sports Pub, Inc. d/b/a Miles Sports Pub & Grub., has Submitted an application for renewal of its Hotel & Restaurant Liquor License at 328 McCaslin Blvd.

Lease for the premises is current and on file.

There was one employee who attended liquor training in the past year.

There were no incidents over the past year requiring the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for Hotel and Restaurant Liquor License – Miles Sports Pub, Inc. d/b/a Miles Sports Pub & Grub. – 328 McCaslin Blvd.

Alternatively, the Authority may set a hearing, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – MOXIEBROT BAKING
UNLIMITED D/B/A MOXIE BREAD CO - HOTEL AND
RESTAURANT LIQUOR LICENSE – 641 MAIN STREET**

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Moxiebrot Baking Unlimited d/b/a Moxie Bread Co. has submitted an application for renewal of its Hotel & Restaurant Liquor License at 641 Main Street.

The premises are leased and the current agreement is valid.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for Moxiebrot Baking Unlimited d/b/a Moxie Bread Co. – Hotel & Restaurant Liquor License – 641 Main Street.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: PUBLIC HEARING – RETAIL MARIJUANA STORE
APPLICATION – LITTLE LEMON LLC D/B/A LITTLE LEMON –
1655 COURTESY ROAD**

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

Little Lemon LLC d/b/a Little Lemon has applied to the State for a Retail Marijuana Store License. The State has forwarded the license to the City of Louisville for local approval.

RECOMMENDATION:

Authority hold a public hearing on the application.

SUBJECT: CHANGE IN OWNERSHIP STRUCTURE – COMPASSIONATE PAIN MANAGEMENT LLC D/B/A AJOYA – RETAIL/MEDICAL MARIJUANA LICENSE – 1100 W. DILLON ROAD #3

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

Continued from the June 24, 2019 meeting.

Ajoya, a currently licensed Retail/Medical Marijuana Store, has applied to change the ownership structure of their combined use marijuana license.

Shaun Gindi currently owns 100% of the business. The new structure would be Shaun Gindi – 50%, Joseph Gindi – 10%, Francine Gindi – 5% and Jack Gindi – 35%.

RECOMMENDATION:

Authority approve the change.

SUBJECT: DISCUSSION/DIRECTION – LIQUOR LICENSING FEES

DATE: JULY 22, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

Each year, the City Manager, City Council and Finance Committee consider the fees being charged throughout the City and set the fee structure for the next calendar year.

Last year there was a proposal to enact a 5% fee increase across the board to cover costs. Fees were raised for new liquor licenses and transfers. Renewal rates remained the same.

The State Liquor Enforcement Division has set limits on what local liquor licensing authorities can charge for license and application fees. The license fees have not changed in many years and the City of Louisville charges exactly what the State allows. The application fee charge has changed over the years and the City of Louisville has chosen not to raise that in any significant way.

Attached is the current Louisville fee schedule and the proposed changes.

RECOMMENDATION:

Staff recommends the Authority approve the new fee schedule as presented.

**LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORTS**

**MUDROCK'S
(2/17/19)**

AGENDA ITEM
VIII-A

**LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORTS**

**HENRY'S/TILT
(6/14/19)**

AGENDA ITEM
VIII-B

**LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORTS**

**por
(7/6/19)**

AGENDA ITEM
VIII-C

**LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORTS**

**Lulu's/Waterloo/Henry's
(6/17/19)**

AGENDA ITEM
VIII-C

Secretary's Report

AGENDA ITEM

IX

Attendees at June 23, 2019 Seller/Server Training

There were a total of 36 attendees with 20 from Louisville establishments.

Courtyard by Marriott – 1

Mudrock's - 17

Old Santa Fe – 1

Union Jack - 1