

**MINUTES FOR
LIQUOR AUTHORITY MEETING**

**CITY OF WHEAT RIDGE, COLORADO
7500 West 29th Avenue, Municipal Building**

June 11, 2015

Chair Miks called the Liquor Authority Meeting to order at 9:00 a.m.

Liquor Authority Members present:

Robert Alldredge
Paul Shaver
John Miks
Claudia Worth
Carolyn Peterson
Elizabeth Nazareus
Bruce McIntyre
Anthony Davia

Liquor Authority Members absent:

Also present: Deputy City Clerk Kelly Stevens; City Attorney Carmen Beery; Police Officer Steve Berkowitz; staff; interested citizens.

APPROVAL OF MINUTES OF May 28, 2015

Motion by Caroline Peterson to approve the minutes of May 28, 2015; seconded by Claudia Worth; carried 7-0, John Miks abstained.

Chair Miks asked about the Authority hearing Items 3 & 4, Transfers of Ownership, before Items 1 & 2, New Applications.

The Authority was fine with this plan and further decided to hear Items 3 & 4 together.

Item 3. Application for Transfer of Ownership – Apro, LLC dba My Goods Market #6523, 4750 Kipling Street, Wheat Ridge

Item 4. Application for Transfer of Ownership – Apro, LLC dba My Goods Market #6552, 12851 W. 32nd Avenue, Wheat Ridge

Alan Dill of Dill & Dill Attorneys thanked the Authority for moving his item up on the agenda. The District Managers of the store in question are in attendance, but they need to get to a liquor training at 10 am.

Mr. Dill explained that two locations in Wheat Ridge are covered by this transaction. Both store managers are present at today's meeting. Both are very experienced and neither of them have ever had any liquor violations. For this transfer, all of the staff will stay the same; there is just a new corporate owner. The transaction closed June 3rd. The stores in question are open 24 hours a day. The cash registers in the stores lock out liquor sales during prohibited times.

Motion by Caroline Peterson to approve the Transfer of Ownership from Convenience Retailers, LLC dba Conoco Store/Circle K to, Apro, LLC dba My Goods Market #6552, 12851 W. 32nd Avenue, Wheat Ridge, Colorado, and Apro, LLC dba My Goods Market #6523, 4750 Kipling Street, Wheat Ridge for the following reasons:

1. All applications and fees required by statute have been filed and paid.
2. The applicant is entitled to occupancy of the premises at 12851 W. 32nd Avenue, and 4750 Kipling Street Wheat Ridge by virtue of a lease dated June 3, 2015.
3. The applicant has a preliminary Master File Letter from the Colorado Department of Revenue for the corporation.

Seconded by Anthony Davia; Carried 8-0

Item 1. Application for New Beer and Wine License – Coffee House Holdings, Inc. dba Starbucks #6905, 3795 Kipling Street, Wheat Ridge

Deputy Stevens introduced the item and the applicants

Chair Miks swore in Max Scott of Oedipus, Inc.

Mr. Scott described the survey area and the petition process. The survey showed 79% of the respondents were in favor of this application. The percentage goes up to 88% once any objections not based on need are removed. He stated these results are very similar to surveys he has done for coffee shops in the Denver area.

Brian Proffitt, Foster & Graham attorneys asked how long Mr. Scott and Oedipus have been in business conducting surveys.

Mr. Scott stated his company has been performing surveys for 47 years. His business mostly involves new license applications.

Mr. Proffitt asked if the survey numbers show a need in the area for a beer and wine license.

Mr. Scott stated they did.

Starbucks Regional Director Stacey Elwell-Chalmers was sworn in by Chair Miks. Ms. Elwell-Chalmers stated her region covers 48 stores including the new one at 38th and Kipling in Wheat Ridge. The alcohol service is part of their Evenings program. Their intention is to provide an afternoon and evening gathering place for their customers.

This program helps provide safe environment for people to gather and have a glass of beer or wine or a cup of coffee. The Evenings program is not every Starbucks– it will be just select stores. This program has been successful in Seattle and Portland.

Alcoholic beverages will be served from 2 pm until close (10:30pm). Beer and wine will be served by the glass in glass service ware. There will be no alcohol served in disposable cups. This makes it easier for staff to see who is drinking in the store.

They will also expand the food menu during alcohol service hours. They will add kabobs, salads, etc. A glass of beer or wine will range from \$3-\$8. They will serve craft beers, locally sourced and a few from Seattle & Portland.

The typical customer for the Evenings program is a current customer now. They just will come back in the afternoon or evening for alcohol service. It will be a more quiet place to congregate - not a bar atmosphere. All employees will be thoroughly trained and responsible for alcohol service. All employees will also be over age 21.

Any customer who appears under 40 years old will be asked for ID. For multiple drink orders, each consumer will be asked for ID. Their Point of Sale system has a prompt for ID information. If an employee violates the rules, there will be strict punishment.

The outdoor patio is part of the licensed premises. Alcohol will be stored in display cabinets during the day and at night will be locked in a cage in the back – out of sight. Only shift supervisors or above will have access to the cage. There will be no alcohol served in the drive through window.

Officer Berkowitz asked how the patio will be monitored. Can the clerks inside view the patio area?

Ms. Elwell-Chalmers responded that they have staff members that are deployed to perform “customer support.” They are required to move around and check on all tables, including the patio area. They call these “table touches.” Clerks can see the patio from behind the counter.

John Miks asked if there were any concerns about liquor violations in the park across the street.

Ms. Elwell-Chalmers answered that alcohol would not be allowed to leave premises. They don't plan to do a lot of service of alcohol. In stores already with this program in Seattle & Portland, there have not been heavy sales of alcohol. This makes it easy for staff to monitor the customers that are drinking.

They hope to begin serving alcohol at this store and several others by September 22. Staff training has already started. They will have stages of training over the next 20 weeks.

Elizabeth Nazarenius asked how staff will monitor who picks up the beverages ordered.

Ms. Elwell-Chalmers stated it was store policy that the clerk taking the order for alcoholic beverages must view the beverage from ordering to service.

Motion by Paul Shaver to approve the application for New Beer and Wine License – Coffee House Holdings, Inc. dba Starbucks #6905, 3795 Kipling Street, Wheat Ridge, for the following reasons:

1. Public Notice of the hearing on the Application was published and posted on the property as required by Colorado law;
2. The applicant is qualified to obtain a liquor license pursuant to C.R.S. Section 12-47-307;
3. The premises is in a location eligible to conduct the proposed liquor licensed business pursuant to C.R.S. Section 12-47-313 and the zoning laws of the City;
4. The applicant is entitled to possession of the premises for which the application is made;
5. The neighborhood under consideration is considered to be within a one-mile circumference around the proposed licensed premises;
6. The inhabitants of the neighborhood desire an additional establishment that serves liquor;
7. The needs of the neighborhood are not met by the existing outlets."

Seconded by Robert Alldredge: Carried 8-0

Claudia Worth stated she has voted yes on the application, but she hates to see Starbucks go to alcohol service.

Item 2. Application for New Retail 3.2% Beer License – Pester Marketing Company dba Alta Convenience, 5190 Ward Road, Wheat Ridge

Deputy Stevens told the Authority about a letter of protest the office received from the owner of Valley Liquors, neighboring liquor store. The letter, which was distributed to all Authority members, the Attorney, and the applicant protests against the granting of this application.

Max Scott of Oedipus, Inc. pointed out that since this application is for 3.2% beer sales, and Valley Liquors sells liquor and full strength beer, the protest is mute. He stated that the survey results show 86% of the neighborhood is in favor of the granting of this license. The percentage goes up to 92% if you take away any objections not based on the needs of the neighborhood.

Deputy Stevens introduced Renee Shellhorse, Marketing Director for Pester Marketing & James Gregg, the area manager for this store.

Ms. Worth asked if this store has ever had any liquor violations when they sold beer before.

Ms. Shellhorse responded that this location hasn't had any liquor violations in years, although a few of their other convenience stores have had violations. The company implemented the BARS program to prevent violations. The program sends a secret shopper to prevent liquor violations. Their success rate is very good. Employees with

violations are retrained. All employees receive computer-based training on beer sales as well. The store has 5 employees and closes at 11 pm.

Motion by Anthony Davia to approve the application for New Retail 3.2% Beer License for Pester Marketing Company dba Alta Convenience #1243, 5190 Ward Road, Wheat Ridge, Colorado on the basis of the following findings:

1. Public Notice of the hearing on the Application was published and posted on the property as required by Colorado law;
2. The applicant is qualified to obtain a liquor license pursuant to C.R.S. Section 12-47-307;
3. The premises is in a location eligible to conduct the proposed liquor licensed business pursuant to C.R.S. Section 12-47-313 and the zoning laws of the City;
4. The applicant is entitled to possession of the premises for which the application is made;
5. The neighborhood under consideration is considered to be within a one-mile circumference around the proposed licensed premises;
6. The inhabitants of the neighborhood desire an additional establishment that serves liquor;
7. The needs of the neighborhood are not met by the existing outlets."

Seconded by Carolyn Peterson: Carried 8-0

Item 5. Liquor Authority Resolution 01-2015 - A Resolution Delegating To the City Clerk the Authority to Administratively Approve Applications for Transfers of Ownership and Temporary Permits

John Micks stated that he thought the Authority wanted to meet the new owners of businesses face to face. If he had been at the last meeting, he would have voted for Option 2 of Attorney Beery's memo and would prefer that the Authority hear all transfer applications.

Attorney Beery stated she followed the Authority's direction at the last meeting.

Ms. Worth responded that Mr. Miks has a valid concern and asked if the proposed resolution could be amended.

Mr. Davia stated the Authority had changed the rules because there was a new clerk in place. Know the Authority knows Kelly and knows they can trust her.

Mr. Alldredge asked Deputy Stevens if she would refer transfers to the Authority if she had issues or questions about the applicants.

Deputy Stevens stated she would.

Mr. Miks stated he still wants to see new owners, but he will go with the consensus of the Authority.

Mr. Alldredge stated he will support the resolution. The Authority can review the transfers if there are issues.

Officer Berkowitz stated most transfers go through the Police Department before they are reviewed by the Authority.

Motion by Anthony Davia to approve Liquor Authority Resolution 01-2015 - A Resolution Delegating To the City Clerk the Authority to Administratively Approve Applications for Transfers of Ownership and Temporary Permits Seconded by Paul Shaver; carried 6-2, with John Miks and Claudia Worth voting no.

CITY CLERK'S MATTERS

Deputy Clerk Stevens explained that she would be on vacation July 17th through the 26th and so the July 23rd Liquor meeting will be cancelled.

CITY ATTORNEY'S MATTERS

None

POLICE DEPARTMENT MATTERS

None


LIQUOR AUTHORITY MEMBERS MATTERS

Meeting adjourned at 10:05 a.m.



Kelly K. Stevens, CMC, Deputy City Clerk

APPROVED BY LIQUOR AUTHORITY ON ^{August 13} ~~JULY 9~~, 2015 BY A VOTE OF 7 TO 0



John Miks, Chair