



City of Greenwood Village

6060 South Quebec Street
Greenwood Village, CO
80111

Minutes - Final

City Council

HEARING IMPAIRED APPARATUS AVAILABLE

PLEASE TURN OFF ALL CELLULAR PHONES AND/OR AUDIBLE PAGERS

**ALL BOARD, COMMISSION AND COUNCIL MEETINGS ARE DIGITALLY
RECORDED**

Monday, February 27, 2017

6:00 PM

Council Chambers

REGULAR MEETING - 6:30 P.M

1. Call to Order - Greenwood Village City Council and Local Liquor Licensing Authority

The City Council and the Local Liquor Licensing Authority met in a regular session in the Community Room at Greenwood Village City Hall, 6060 South Quebec Street, Greenwood Village, County of Arapahoe, State of Colorado, at 6:27 p.m. following a Study Session wherein Council heard a presentation of unaudited 2016 year-end financials and discussed adoption of a revised fee schedule.

2. Roll Call

Present: 7 - Miklin, Jones, Mayor Pro Tem Gordon, Schluter, Bishop, Bullock, and Lantz

Absent: 1 - Moran

Presiding: 1 - Mayor Rakowsky

3. Executive Session

- A.** Request for an Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. §24-6-402(4)(e) regarding Case Numbers 15CV31954 and 15CV31946.

Mayor Pro Tem Gordon moved, seconded by Councilmember Jones; to hold an Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. §24-6-402(4)(E) regarding case numbers 15CV31954 and 15CV31946. The motion carried by a unanimous voice vote.

Council convened into Executive Session at 6:29 p.m.

Councilmember Bullock moved, seconded by Councilmember Bishop; the Executive

Session be adjourned.

Council reconvened into Regular Session at 7:00 p.m.

4. Pledge of Allegiance

Mayor Pro Tem Gordon led the pledge of allegiance.

5. Approval of Minutes

Councilmember Bullock moved, seconded by Councilmember Miklin; to approve the minutes of February 6, 2017, Regular Meeting and the Sewer General Improvement District No. 1 Meeting, as submitted. The motion carried by a unanimous voice vote.

A. February 6, 2017 Minutes

The Minutes were approved.

B. GID February 6, 2017 Minutes

The Minutes were approved.

6. Public Comment

There was no public comment.

7. Renewal Hearing for Liquor Licensing Authority

A. Tavern Liquor License: The Tavern Tech Center, Inc. d/b/a The Tavern Tech Center, 5336 DTC Boulevard, Greenwood Village, CO 80111

The City Council of the City of Greenwood Village, Colorado, acting as the Local Liquor Licensing Authority, convened at 7:20 p.m. to consider the renewal of the Tavern Liquor License of The Tavern Tech Center, Inc. d/b/a The Tavern Tech Center, 5336 DTC Boulevard, Greenwood Village, CO 80111.

City Attorney Haas Davidson stated proper notice of the hearing was given to the licensee by way of a letter and the licensed premises were posted ten days prior to the hearing. Mayor Rakowsky accepted an affidavit of such notice from the City Clerk's office into evidence as Exhibit A.

Assistant City Attorney Chambers-Nelson presented the stipulation proposed by the applicant to the Local Liquor Licensing Authority.

In reviewing the stipulation, the Local Licensing Authority asked the following questions:

The Authority inquired about surveillance camera effectiveness, if they would be pointed to the North, and if retaining video footage for 48 hours would be sufficient. The 48 hours was set as the minimum amount of time because the case would need to be presented to the District Attorney's office within 48 hours and would require the recording at that time. Everyone agreed that retaining video footage for a longer amount of time would be useful.

There was discussion about who determines or defines a "large crowd" and if it would be beneficial or not to leave it up to the discretion of the Police Department.

Sergeant Jared Arthur was sworn in and clarified surveillance of the entire property is preferred.

Mayor Rakowsky swore in Chief John Jackson who explained the addition of quality cameras would show an image clear enough to obtain the strategic and advantageous information. He further explained the entrance, exits, and doors of the property are important areas to video with high-quality images.

Chief Jackson noted the Police Department had focused on noise complaints in the past. The bass from the music was causing the most complaints and has since been set to a known benchmark on the soundboard which has eliminated noise complaints.

The Authority asked if the licensee had been proactively implementing the proposed stipulation prior to the meeting. Assistant City Attorney Chambers-Nelson stated that not all items in the stipulation have been implemented to date.

Chief Jackson noted noise complaints are down to zero. He noted with the removal of Ladies Night has potentially improved the situation in the last two months since the December incident. Mayor Pro Tem Gordon asked if the decrease in noise complaints were seasonally driven with the patio not being open to which Chief Jackson responded there are generally less complaints in the winter; however, the efforts by the licensee also played a role in the decrease.

There was discussion regarding the definitions of genre of music listed in the stipulation and how songs are properly categorized.

There was further discussion to clarify the use of security guards.

The Authority asked for clarification on what action the Local Liquor Licensing Authority could take if the licensee doesn't act on the terms of the stipulation in a timely manner, should the stipulation be accepted.

Assistant City Attorney Chambers-Nelson stated that the Licensee could be brought to the Local Liquor Licensing Authority through the Show Cause process.

Mr. James Beimford, license number 13142, attorney representing the licensee was introduced.

Attorney Beimford commended the Police Department and the Assistant City Attorney with consulting on the stipulation. In addressing the incidents, he noted they occurred primarily on Thursday nights, Ladies Night, which has been removed as a promotion. To address the sound issues, the licensee tracks decibel levels around the tavern throughout the evening and coordinate with the Police Department when they conduct the walk-throughs.

Mr. Frank Schultz, Owner, was sworn in and noted they have had one liquor violation during 18 years in business with 12 liquor licensed establishments.

Mr. Schultz noted the Tavern seems to attract people from a three-mile radius, which the Council could consider part of the problem. He informed the Local Liquor Licensing Authority that he does not intend to restart the Ladies Night promotion. He further stated his willingness to work on the stipulation.

Mr. Schultz stated he would be willing to learn more about the license plate recognition software, where surveillance cameras would be allowed in the area and where they would be most effective as discussed.

Mr. Schultz responded to an inquiry from the Local Liquor Licensing Authority regarding the removal of the "free drink" promotion and being replaced with a "two for one" promotion. He explained in order to remain competitive, he has to offer a drink promotion.

Mr. Gary Mantelli, President & CEO of the Tavern, 614 Fair Haven Street, Castle Rock, described his level of involvement working with local law enforcement to address noise and security issues.

The Authority asked Mr. Schultz if he felt that he has taken adequate measures to mitigate the problems at his business in a timely manner, to which he responded he felt that he has.

Mr. Schultz addressed the March 3, 2016 incident regarding potential gang activity, noting they voluntarily closed early per the notice from the Police Department.

Councilmember Schluter stated the stipulation, as presented, does not sufficiently address the public safety concern. There was discussion about additional terms or precise definitions to add to the stipulation to clarify and mitigate safety issues.

The Local Liquor Licensing Authority went into recess at 8:45 p.m.

The Local Liquor Licensing Authority reconvened at 8:52 pm.

At the request of the licensee's attorney and the Assistant City Attorney, it was suggested the Local Licensing Authority continue the matter to allow opportunity to address the stipulation to clarify the terms discussed this evening. It was further noted the licensee would like to move the renewal hearing to another date to allow for preparations for a hearing should a stipulation not be reached.

Councilmember Schluter moved, seconded by Councilmember Lantz; to continue the consideration of a stipulation for the Tavern Liquor License to March 20, 2017 and to continue the License Renewal Hearing to April 17, 2017. Motion passed with a unanimous polled vote.

8. Reports of Officers-Boards-Committees:

A. City Council/Council Representative Reports

Councilmember Miklin and Mayor Rakowsky attended the grand opening of the RTD lightrail R line.

Councilmember Miklin and Mayor Rakowsky attended the PB&J and Socks event with the Police Department for the homeless.

B. Mayor's Report

Mayor Rakowsky announced the Villaged Fishing Derby at Tommy Davis Park is on April 29, 2017.

C. Officers/Staff Reports

D. City Manager's Report/Communications

9. Communications

There were no communications.

10. Adjournment

There being no further business before the City Council and the Local Liquor Licensing Authority, the meeting was adjourned at 9:01 p.m.

Councilmember Schluter moved, seconded by Councilmember Jones; the regular meeting be adjourned. The motion carried by a unanimous voice vote.