



Lone Tree City Council Agenda Tuesday, May 5, 2015

Meeting Location: City Council Meeting Room, Lone Tree Civic Center, 8527 Lone Tree Parkway.

Meeting Procedure: The Lone Tree City Council and staff will meet in a public Study Session at 4:30pm. At 6:00pm and following the meeting, if necessary, the Council Meeting will adjourn and convene in Executive Session. If an Executive Session is not necessary, Council will recess for dinner. The Regular Session will be convened at 7:00pm. Study Sessions and Regular Sessions are open to the public, Executive Sessions are not. Comments from the public are welcome at these occasions: 1. Public Comment (brief comments on items not scheduled for a public hearing) 2. Public Hearings. Contact the City Clerk if special arrangements are needed to attend (at least 24 hours in advance).

4:30pm Study Session Agenda

1. Weigh & Win Kiosk
 2. Municipal Support of Senior Services Report
 3. Sky Ridge I-25 Sign (FAI 5/19)
 4. Overview of Summer Events
 5. Review of Economic Development Website
-

6:00pm Executive Session Agenda

1. Roll Call
 2. Executive Session
-

7:00pm Regular Session Agenda

3. Opening of Regular Meeting/Pledge of Allegiance
 4. Amendments to the Agenda and Adoption of the Agenda
 5. Conflict of Interest Inquiry
 6. Public Comment
 7. Announcements
 8. Presentations
 9. Consent Agenda
 - a. Minutes of the April 21, 2015 Regular Meeting
 - b. Claims for the Period of April 13-27, 2015
 10. Community Development
 - a. Approval of South Suburban Parks & Recreation District Petition for Inclusion
 11. Administrative Matters
 - a. **PUBLIC HEARING: Resolution 15-06, ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR FY2014 DUE TO UNANTICIPATED REVENUES OR REVENUES NOT ASSURED AT THE TIME OF ADOPTION OF THE BUDGET**
 - b. **PUBLIC HEARING:** Approval of New Hotel and Restaurant Liquor License for Lone Tree Hooters Inc. d/b/a Hooters (8334 S. Willow St. #G)
 12. Council Comments
 13. Adjournment
-

City of Lone Tree Upcoming Events

more info available at www.cityoflonetree.com and www.lonetreeartscenter.org

- LTSO: Carmina Burana, Friday, May 8 at 7:30 pm, LTAC Main Stage
- Fancy Nancy, Thursday, May 14 – Saturday, May 16, (sensory friendly performance May 16 at 4:00 pm) LTAC Main Stage
- Colorado Symphony: Brandenburg Concertos, Sunday May 17 at 7:30 pm, LTAC Main Stage
- Exploring the Light Photo Show runs until May 31 at LTAC from 10:00 am-4:00 pm Monday-Friday and 2 hours before each production. Opening Reception will be May 7th from 6-8:00 pm

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
April 21, 2015**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, April 21, 2015, at 6:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance

In attendance were:

James D. Gunning, Mayor
Jacqueline Millet, Mayor Pro Tem
Harold Anderson, Council Member
Kim Monson, Council Member
Susan Squyer, Council Member

Also in attendance were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Steve Hebert, Deputy City Manager
Jeff Holwell, Economic Development Director
Chief Jeffery Streeter, Lone Tree Police Department
Kristin Baumgartner, Finance Director
Kelly First, Community Development Director
Hans Friedel, Planner II
Lisa Rigsby Peterson, Lone Tree Arts Center Director
Neil Rutledge, City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TTG Corp.

Call to Order

Mayor Gunning called the meeting to order at 6:00 p.m., and observed that a quorum was present.

Executive Session

Mayor Gunning announced City Council intends to convene in Executive Session. Neil Rutledge, City Attorney, stated the Executive Session is for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) concerning issues related to RTD and the Light Rail expansion. Council Member Anderson moved, seconded by Council Member

Squyer, for City Council to recess and convene in Executive Session for the reasons stated. The motion passed with a vote of 5 to 0.

Council adjourned to an Executive Session at 6:01 p.m.

The Executive Session was adjourned at 6:13 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:00 p.m., following a short recess.

Pledge of Allegiance

Mayor Gunning led those assembled in reciting the Pledge of Allegiance.

Amendments to the Agenda

There were no amendments to the agenda.

Conflict of Interest

There was no conflict of interest.

Public Comment

There was no public comment.

Announcements

Mayor Gunning announced upcoming events.

Consent Agenda

Mayor Gunning noted the following items on the Consent Agenda, which consisted of:

- *Minutes of the April 7, 2015 Regular Meeting*
- *Claims for the Period of March 30-April 13, 2015*
- *Treasurer's Report for February 2015*

Council Member Squyer moved, Council Member Anderson seconded, to approve the Consent Agenda. The motion passed with a vote of 5 to 0.

Community Development

Resolution 15-05, ADOPTING A PLAN FOR THE AREA WITHIN THREE MILES OF THE CITY BOUNDARY

Hans Friedel, Planner II, introduced the item.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve **Resolution 15-05, ADOPTING A PLAN FOR THE AREA WITHIN THREE MILES OF THE CITY BOUNDARY**. The motion passed with a vote of 5 to 0.

Announcements cont.

Caroline Hauer, Youth Commissioner, gave Council an update on the Youth Commission.

Public Works

Approval of License Agreement w/Rampart Range Metropolitan District No. 1 re: West Side Maintenance License Agreement

John Cotten, Public Works Director, introduced the item.

Council Member Squyer moved, Council Member Monson seconded, to approve the License Agreement with Rampart Range Metropolitan District No. 1 re: West Side Maintenance License Agreement. The motion passed with a vote of 5 to 0.

Administrative Matters

Approval of Matching Funds for Interior Art Piece

Lisa Rigsby Peterson introduced the item.

Council Member Anderson moved, Council Member Millet seconded, to approve to allocate \$21,000 from the Public Art Capital line item to match the \$10,500 donation from the Lone Tree Cultural Arts Foundation for the acquisition of a public art piece for the Lone Tree Arts Center lobby. This piece will be selected through the City of Lone Tree's established public art procedures with the assistance of a professional curator. The motion passed with a vote of 5-0.

PUBLIC HEARING: Hotel and Restaurant Liquor License Application for Peng Bo, Inc. d/b/a Thai Orchid (9231 E. Lincoln Ave. #1100)

Mayor Gunning opened the public hearing at 7:11 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced Carl Ream, applicant's attorney, Christina Ludwick, applicant, and Carol Johnson, petitioner. Mr. Ream and Ms. Ludwick answered questions from Council.

Mayor Gunning opened the public hearing for comment at 7:16 p.m.

Barb Monarch, asked about the Hooters. Mayor Gunning advised Ms. Monarch this public hearing was for Thai Orchid and would address her comments after the end of the agenda.

There was no public comment in regard to Thai Orchid.

The public hearing was closed at 7:17 p.m.

Council Member Monson moved, Mayor Pro Tem Millet seconded, to approve a new Hotel and Restaurant Liquor License for Peng Bo, Inc. d/b/a Thai Orchid (9231 E. Lincoln Ave. #1100). The motion passed with a vote of 5-0.

PUBLIC HEARING: Hotel and Restaurant Liquor License Application for SnoozeTown LLC d/b/a Snooze (10002 Commons Street, Suite E1)

Mayor Gunning opened the public hearing at 7:18 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced Kate Knowles, Applicant's Attorney, Brianna Borin, General Manager, Mitzi Vallon, Director of Development, Michelle Stein, Messner Reeves. Ms. Knowles and Ms. Borin answered questions from Council and spoke about the restaurant.

Mayor Gunning opened the public hearing at 7:25 p.m.

There was no public comment.

The public hearing was closed at 7:25 p.m.

Council Member Monson moved, Mayor Pro Tem Millet seconded, to approve a new Hotel and Restaurant Liquor License for SnoozeTown LLC d/b/a Snooze (10002 Commons Street, Suite E1). The motion passed with a vote of 5-0.

Public Comment cont.

Barb Monarch, 9720 Brookhill Ct., stated her concerns with Hooters opening up in Lone Tree.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 7:37 p.m.

Respectfully submitted,

Jennifer Pettinger, CMC, City Clerk

**FINDINGS AND REPORT TO STATE LICENSING AUTHORITY BY THE
CITY COUNCIL OF LONE TREE ACTING AS THE
LOCAL LICENSING AUTHORITY ON THE APPLICATION FOR A
HOTEL & RESTAURANT LIQUOR LICENSE**

Peng Bo, Inc. d/b/a Thai Orchid

A public hearing was held by the City Council of Lone Tree, State of Colorado, acting as Local Licensing Authority at approximately 7:00 p.m. on Tuesday, April 21, 2015 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of Peng Bo, Inc. d/b/a Thai Orchid, 9231 E. Lincoln Avenue, Suite #1100, Lone Tree, Colorado 80124.

At said hearing, the following Members of the Council were present:

Mayor James D. Gunning
Mayor Pro Tem Jackie Millet
Council Member Harold Anderson
Council Member Kim Monson
Council Member Susan Squyer

Also present were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Carl Ream, Applicant's Attorney
Christina Ludwick, Applicant
Carol Johnson, Petitioner

The Honorable Mayor James D. Gunning presided. The hearing was duly convened to consider the Application and conduct a public hearing thereon.

City Clerk, Jennifer Pettinger noted that the City Council was in receipt of a packet of information which contained copies of: the license application, individual history records, red-lined drawing of the premises, and petition summary. She noted that staff has reviewed all the documents including the petitions, lease agreement, articles of incorporation, business opportunity contact asset purchase agreement, business license, certificate of good standing, affidavit of posting, and the affidavit of publication. She directed that information be made a part of the record.

City Clerk, Jennifer Pettinger gave a brief presentation concerning the application and provided evidence of posting to the Council. Ms. Pettinger introduced Carl Ream, Applicant's Attorney, Christina Ludwick, Applicant, and Carol Johnson, Petitioner. Mr. Ream and Ms. Ludwick spoke about the application.

The petitions supporting the application were reviewed and found to be in accordance with and in conformity with the City of Lone Tree Liquor and Fermented Malt Beverage Regulations and were accepted into evidence by the Authority.

Mayor Gunning opened the hearing for public testimony. Barbara Monarch, 9720 Brookhill Ct. spoke about her opposition to another liquor license. No one else came forward.

Following a brief discussion by the City Council, the hearing was closed to public testimony.

The City Council, acting as the Local Licensing Authority, having fully considered the application and testimony submitted by the Applicant, and the other evidence adduced at the hearing, NOW FINDS as follows:

Peng Bo. Inc. d/b/a Thai Orchid
Findings and Report to the State

1. The public hearing held with respect to said Application on Peng Bo, Inc. d/b/a Thai Orchid, 9231 E. Lincoln Avenue, Suite #1100, was duly convened and the Council has jurisdiction to consider the Application as the Local Licensing Authority.
2. Applicant seeks approval of an application for a Hotel & Restaurant Liquor License at 9231 E. Lincoln Avenue, Suite #1100, Lone Tree, Colorado 80124. The Application was submitted on a form prescribed by the State Licensing Authority pursuant to statute, and said application appears to be complete in all material respects. The required fees accompanied the application.
3. The Council has reviewed the Individual History Records of the owners and the managers. Council finds that the Applicant has satisfied the requirements of the Colorado Liquor Code and Regulations with respect to character, record, and reputation.
4. The Applicant has evidenced possession of the subject property through a 5 year lease agreement entered into on August 29, 2014, with a commencement date of September 29, 2014.
5. The premise was posted in accordance with the law, for a period of not less than ten consecutive days prior to the date of said public hearing on the application, and published notice was accomplished by publication in a newspaper of general circulation in Douglas County.
6. Petitions containing 157 valid signatures in favor of and 4 valid signature in opposition to the issuance of the license were presented to and considered by the Council.
7. No one appeared in opposition.

The City Council, acting as the Local Licensing Authority, having considered and weighed the foregoing, as well as the facts and evidence adduced by the Council's investigation, expressions of opinion as to the needs and desires of the inhabitants of the neighborhood contained in the aforementioned Petitions and all other facts, data and testimony, NOW FINDS that the Applicant has demonstrated, with respect to the application, that the needs and desires of the neighborhood are not adequately being served at this time.

Accordingly, the City Council hereby affirms its approval of the application of **Peng Bo, Inc. d/b/a Thai Orchid, 9231 E. Lincoln Avenue, Suite 1100, Lone Tree, Colorado 80124.**

The City Council hereby authorizes and directs the Liquor Licensing Administrator to submit the necessary report and approved application to the State Licensing Authority in accordance with the law.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO, acting as Local Licensing Authority.

CITY OF LONE TREE:

By: _____ /s/_____
Jennifer Pettinger
Liquor License Administrator

Date: April 21, 2015

**FINDINGS AND REPORT TO STATE LICENSING AUTHORITY BY THE
CITY COUNCIL OF LONE TREE ACTING AS THE
LOCAL LICENSING AUTHORITY ON THE APPLICATION FOR A
HOTEL & RESTAURANT LIQUOR LICENSE**

SnoozeTown, LLC d/b/a Snooze

A public hearing was held by the City Council of Lone Tree, State of Colorado, acting as Local Licensing Authority at approximately 7:00 p.m. on Tuesday, April 21, 2015 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of SnoozeTown, LLC d/b/a Snooze, 10002 Commons Street, Suite E1, Lone Tree, Colorado 80124.

At said hearing, the following Members of the Council were present:

Mayor James D. Gunning
Mayor Pro Tem Jackie Millet
Council Member Harold Anderson
Council Member Kim Monson
Council Member Susan Squyer

Also present were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Kate Knowles, Applicant's Attorney
Brianna Borin, General Manager
Mitzi Vallon, Director of Development
Michelle Stein, Messner Reeves
Carol Johnson, Petitioner

The Honorable Mayor James D. Gunning presided. The hearing was duly convened to consider the Application and conduct a public hearing thereon.

City Clerk, Jennifer Pettinger noted that the City Council was in receipt of a packet of information which contained copies of: the license application, individual history records, red-lined drawing of the premises, and summary petition. She noted that staff has reviewed all the documents including petitions, statement of foreign entity authority, limited liability company agreement, business license, certificate of good standing, the affidavit of posting, and the affidavit of publication. She directed that information be made a part of the record.

City Clerk, Jennifer Pettinger gave a brief presentation concerning the application and provided evidence of posting to the Council. Ms. Pettinger introduced Kate Knowles, Applicant's Attorney, Brianna Borin, General Manager, Mitzi Vallon, Director of Development, Michelle

Stein, Messner Reeves, and Carol Johnson, Petitioner. Ms. Knowles and Ms. Borin spoke about the application.

The petitions supporting the application were reviewed and found to be in accordance with and in conformity with the City of Lone Tree Liquor and Fermented Malt Beverage Regulations and were accepted into evidence by the Authority.

Mayor Gunning opened the hearing for public testimony. No one came forward.

Following a brief discussion by the City Council, the hearing was closed to public testimony.

The City Council, acting as the Local Licensing Authority, having fully considered the application and testimony submitted by the Applicant, and the other evidence adduced at the hearing, NOW FINDS as follows:

SnoozeTown, LLC d/b/a Snooze
Findings and Report to the State

2. The public hearing held with respect to said Application on SnoozeTown, LLC d/b/a Snooze, 10002 Commons Street, Suite E#1, was duly convened and the Council has jurisdiction to consider the Application as the Local Licensing Authority.
8. Applicant seeks approval of an application for a Hotel & Restaurant Liquor License at 10002 Commons Street, Suite E1, Lone Tree, Colorado 80124. The Application was submitted on a form prescribed by the State Licensing Authority pursuant to statute, and said application appears to be complete in all material respects. The required fees accompanied the application.
9. The Council has reviewed the Individual History Records of the owners and the managers. Council finds that the Applicant has satisfied the requirements of the Colorado Liquor Code and Regulations with respect to character, record, and reputation.
10. The Applicant has evidenced possession of the subject property through a 10 year lease agreement entered into on June 12, 2014.
11. The premise was posted in accordance with the law, for a period of not less than ten consecutive days prior to the date of said public hearing on the application, and published notice was accomplished by publication in a newspaper of general circulation in Douglas County.
12. Petitions containing 133 valid signatures in favor of and 2 valid signature in opposition to the issuance of the license were presented to and considered by the Council.
13. No one appeared in opposition.

The City Council, acting as the Local Licensing Authority, having considered and weighed the foregoing, as well as the facts and evidence adduced by the Council's investigation, expressions of opinion as to the needs and desires of the inhabitants of the neighborhood contained in the aforementioned Petitions and all other facts, data and testimony, NOW FINDS that the Applicant has demonstrated, with respect to the application, that the needs and desires of the neighborhood are not adequately being served at this time.

Accordingly, the City Council hereby affirms its approval of the application of **SnoozeTown, LLC d/b/a Snooze, 10002 Commons Street, Suite E1, Lone Tree, Colorado 80124.**

The City Council hereby authorizes and directs the Liquor Licensing Administrator to submit the necessary report and approved application to the State Licensing Authority in accordance with the law.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO, acting as Local Licensing Authority.

CITY OF LONE TREE:

By: _____ /s/
Jennifer Pettinger
Liquor License Administrator

Date: April 21, 2015



CITY OF LONE TREE STAFF REPORT

TO: Mayor Gunning and City Council

FROM: Kelly First, Community Development Director

DATE: April 29, 2015

FOR: May 5, 2015 Study Session

SUBJECT: South Suburban Parks and Recreation District Petition for Inclusion

Summary

South Suburban has begun the process to include properties within the City west of I-25 into the District. As part of that process, all property owners are asked to sign a Petition for Inclusion that will be filed with the Board of Directors of South Suburban. The City of Lone Tree owns approximately 14 acres within the inclusion area, and is therefore asked to be a signatory to the Petition.

Cost

There is no upfront or long term cost to the City associated with inclusion of the City's properties. Upon inclusion, City properties would be exempt from taxation.

Suggested Motion

Motion to direct the City Manager to sign the attached Petition Inclusion on behalf of the City.

Background

At the March 10, 2015 study session staff briefed the Council about the discovery that certain properties in the City west of I-25 are outside the boundary of the South Suburban Parks and Recreation District. The Council indicated support for including the properties into the District, and directed staff to work with South Suburban toward that end. At the April 21st Council study session, staff introduced the process that South Suburban is undertaking to include the properties, and the petition that the City is asked to sign.

In summary, the following properties are currently not in the District and will be contacted by South Suburban for inclusion:

- RidgeGate Commons (RidgeGate Filing 18):
 - Lot 1 (Cabela's) Southern half of lot with building is not in District
 - Lot 2 (future retail) Southern half of lot where building is planned is not in the District
 - Lot 3 (proposed hotel) District line bisects the proposed building
 - Lot 4 (proposed restaurant) project is entirely in the District

- Tract GG:
 - Proposed for 65-70 single-family detached units; most lots are not in the District. Application for plat expected this spring.

- Mesa Tops (RidgeGate and Southridge Preserve) Zoned for maximum total 346 residential units. Development is not expected in near term.

As part of the Southridge Preserve PD, approximately 14.5 acres of property within a valley was designated as open space and dedicated to the City of Lone Tree. (Area shown in dark green on the attached map). The City accepted ownership of the property in 2009.

Should the Council authorize the City Manager to sign the Petition for Inclusion, staff will provide the completed petition to South Suburban staff, who will conduct the remainder of the inclusion process, as outlined in the attached letter from Acting Executive Director, Deanna Heyn.



South Suburban
PARKS AND RECREATION

April 10, 2015

Seth Hoffman, City Manager
City of Lone Tree
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Dear Seth:

Following on our recent conversations regarding the inclusion, understanding that our mutual goal is to have congruent City and District boundaries west of I-25 (thus, offering all Lone Tree citizens the same great park & recreation amenities), we have begun the process of contacting the public and private owners of the properties within the attached map area.

We have studied the property ownership within the inclusion area and have determined that the City owns parcels as well. We have identified the following State parcel numbers:

2231-21-0-00-013
2231-20-0-04-004
2231-22-1-99-003

As a government agency, the three properties would be exempt from taxation of course. Therefore we hope it can be a relatively straightforward matter to obtain a petition for the inclusion from your agency as well. If there are questions of details that are best worked out in person, I'm happy to coordinate a meeting.

This is the process that the District will follow, should we reach agreement to move forward.

1. The Petition for Inclusion, signed by 100% of the property owners of the subject property, must be filed with Board of Directors of South Suburban Park and Recreation District. The South Suburban Board of Directors will set a public hearing to consider the Petition.
2. A notice of the public hearing must be published one time in a newspaper with circulation within the District.
3. During the public hearing, the Board of Directors would issue an Order for Inclusion.

Administrative Office
6631 S. University Blvd.
Centennial, CO 80121-2913

phone 303.798.5131
fax 303.798.3030
www.sspr.org

Board of Directors
John K. Ostermiller, Chair

Susan M. Rosser
Pamela M. Eller
Michael T. Anderson
Scott A. LaBrash

Acting Executive Director
Deanna R. Heyn

4. South Suburban will file the petitions with District Court, together with a proposed Order of Inclusion, requesting that the Clerk of the Court certify a copy of the Order once it has been issued.
5. South Suburban will record the certified copy of the Order of Inclusion with the County Clerk and Recorder.
6. South Suburban will file a copy of the recorded certified Order of Inclusion with the Division of Local Government and the Douglas County Assessor.

The exact timeline of the process is to be determined.

We've attached a copy of the draft petition. We would need a legal description for each property for Exhibit A. If we can assist, we would be happy to do so. We look forward to working with you. My direct phone number is 303/483-7004.

Sincerely,



Deanna R. Heyn
Acting Executive Director

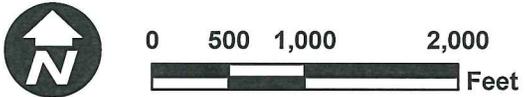
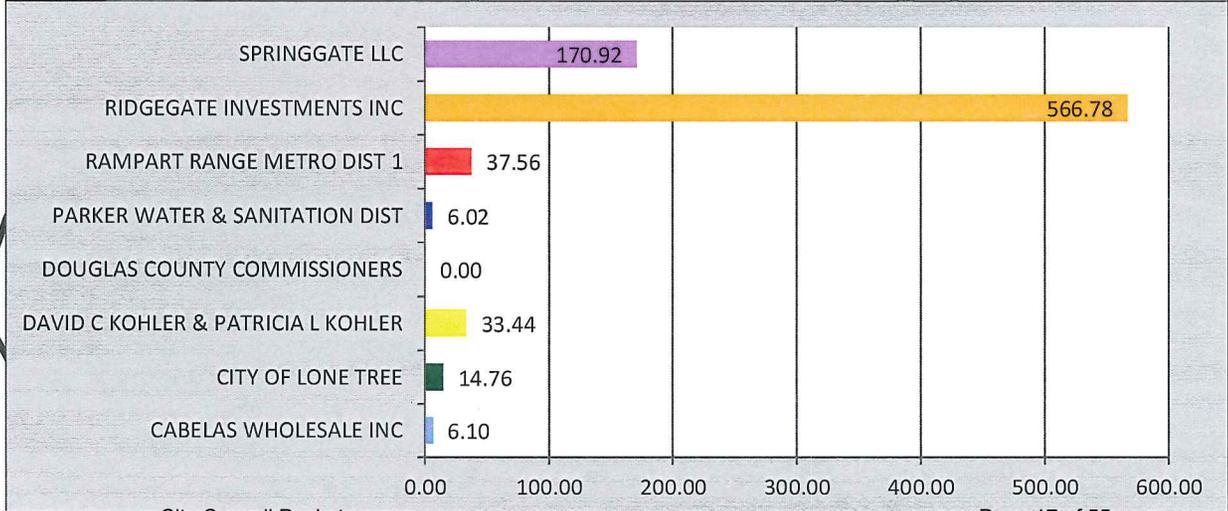
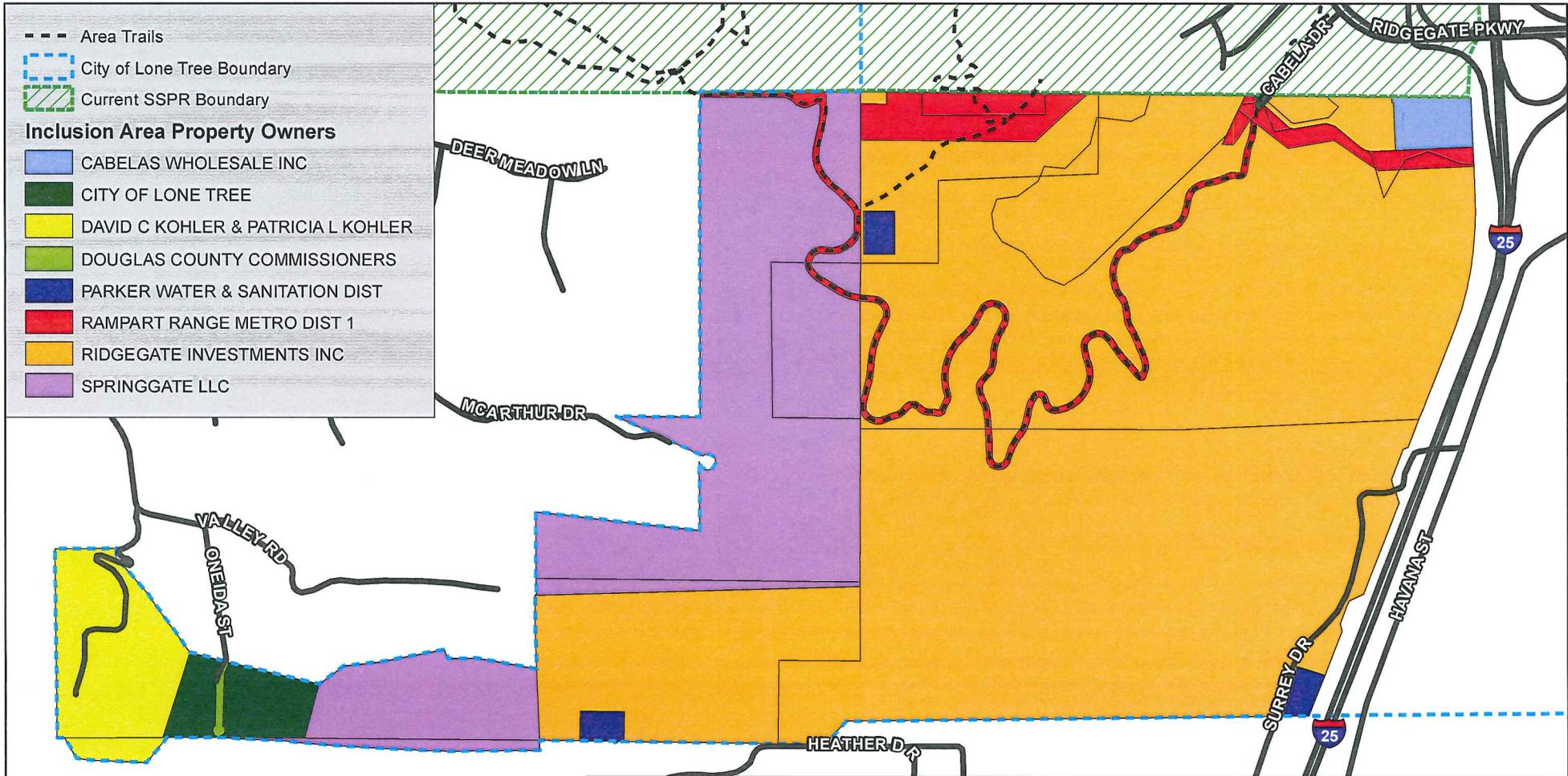
Att.: Map and Petition

DH/ds

-  Area Trails
-  City of Lone Tree Boundary
-  Current SSPR Boundary

Inclusion Area Property Owners

-  CABELAS WHOLESALE INC
-  CITY OF LONE TREE
-  DAVID C KOHLER & PATRICIA L KOHLER
-  DOUGLAS COUNTY COMMISSIONERS
-  PARKER WATER & SANITATION DIST
-  RAMPART RANGE METRO DIST 1
-  RIDGEGATE INVESTMENTS INC
-  SPRINGGATE LLC



Data Source: Douglas County GIS

05/05/15

PETITION FOR INCLUSION

IN THE MATTER OF SOUTH SUBURBAN PARK AND RECREATION DISTRICT

TO THE BOARD OF DIRECTORS OF THE DISTRICT:

The undersigned Petitioner, being the fee owner of 100% of the real property hereinafter described, hereby petitions that such property be included within the South Suburban Park and Recreation District, as provided by law, and for cause, states:

1. That such property is capable of being served with facilities of the District.
2. That assent to the inclusion of such property in the District is hereby given by the undersigned, who constitutes the fee owner of 100% of such property.
3. That there shall be no withdrawal from this Petition after consideration by the Board, nor shall further objections be filed thereto by the Petitioner.
4. That the inclusion of such property into the District shall be subject to any and all terms and conditions established by the Board and accepted by Petitioner, and to all duly promulgated rules, regulations and rates of the District.
5. That the property owned by Petitioner and sought to be included in the District is described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

PETITIONER:

CITY OF LONE TREE, COLORADO

By: _____

Print Name:

Print Address: 9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

STATE OF COLORADO)

)

ss.

COUNTY OF _____)

)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____ as _____ of _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

**EXHIBIT A
(LEGAL DESCRIPTION OF PROPERTY TO BE INCLUDED)**

State parcel numbers:

2231-21-0-00-013

2231-20-0-04-004

2231-22-1-99-003

, described more specifically as follows:



CITY OF LONE TREE
STAFF REPORT

TO: Mayor Gunning and City Council

FROM: Kristin Baumgartner, Finance Director

DATE: April 29, 2015

FOR: May 5, 2015, City Council Meeting

SUBJECT: Public Hearing: Resolution 15-06, ADOPTING A SECOND SUPPLEMENTAL BUDGET AND APPROPRIATION FOR FY2014 DUE TO UNANTICIPATED REVENUES OR REVENUES NOT ASSURED AT THE TIME OF ADOPTION OF THE BUDGET

Summary

On December 16, 2014, City Council approved a budget amendment related to the Special Revenue Fund – Ridgegate due to revenues coming in higher than anticipated during the year. Subsequent to this budget amendment, City Council approved an amendment to the RidgeGate West annexation agreement which changed the calculation of the shareback and eliminated the need for a Special Revenue Fund starting in 2015. In the prior agreement, building permit fee revenue was deferred and recognized as revenue in the year the related expenses occur. At the end of 2014, no deferral was recorded due to the provisions of the new agreement, which increased the amount of building permit revenue from what was originally budgeted. This has subsequently caused a need for a revised budget amendment due to the additional unanticipated revenue that was not assured at the time of the budget amendment adoption. City staff wanted to wait to bring the revised budget amendment to Council after the 2014 audit was drafted and audit fieldwork had started to ensure no other amendment would be required.

Cost

N/A

Suggested Motion or Recommended Action

I move to approve Resolution 15-06, ADOPTING A SECOND SUPPLEMENTAL BUDGET AND APPROPRIATION FOR FY2014 DUE TO UNANTICIPATED REVENUES OR REVENUES NOT ASSURED AT THE TIME OF ADOPTION OF THE BUDGET.

**CITY OF LONE TREE
RESOLUTION NO. 15-06**

**A RESOLUTION ADOPTING A SECOND SUPPLEMENTAL BUDGET AND
APPROPRIATION FOR FY2014 DUE TO UNANTICIPATED REVENUES OR
REVENUES NOT ASSURED AT THE TIME OF ADOPTION OF THE BUDGET**

WHEREAS, the City of Lone Tree anticipated total funds available from the Special Revenue Fund – RidgeGate of \$5,054,326 for FY2014, which were reflected in the City’s FY2014 budget; and

WHEREAS, the City budgeted and appropriated to the Special Revenue Fund – RidgeGate total expenditures requiring appropriations of \$5,001,725 for FY2014, leaving additional funds unappropriated and not made available for expenditure; and

WHEREAS, the City adopted a supplemental budget on December 16, 2014 which anticipated total funds available from the Special Revenue Fund – RidgeGate amounting to \$5,576,991 and total expenditures requiring appropriation to \$5,524,390; and

WHEREAS, subsequent to the budget amendment, a revised annexation agreement was approved which requires a second amendment to the 2014 budget; and

WHEREAS, the City currently anticipates total funds available from the Special Revenue Fund – RidgeGate amounting to \$5,925,746 for FY2014, which additional funds were not reflected in the City’s FY2014 budget; and

WHEREAS, the additional funds available and the unappropriated and unspent funds were unanticipated revenue or revenue not assured at the time of adoption of the City budget for FY2014, as they were not expected to be available and expended in FY2014, and such availability and possible expenditure could not be foreseen at the time of the adoption of the budget for FY2014; and

WHEREAS, the City wishes to enact a supplemental budget and appropriation increasing its Special Revenue Fund – RidgeGate total expenditures requiring appropriation to \$5,873,145 for FY2014; furthermore

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LONE TREE, COLORADO:**

1. All of the foregoing paragraphs are incorporated by reference as though fully set forth herein.
2. Pursuant to Section 29-1-109, C.R.S., the City determines that there have been unanticipated revenues or revenues not assured at the time of the adoption of the

FY2014 budget allocated to the Special Revenue Fund – RidgeGate, due to the reasons set forth above.

3. The City hereby enacts a supplemental budget and appropriation, attached to this Resolution as Exhibit A, authorizing total expenditures of \$5,873,145 from the Special Revenue Fund – RidgeGate for FY2014.

4. The City hereby authorizes and ratifies such expenditures for FY2014.

5. The City has complied with the notice provisions of Section 29-1-106, C.R.S.

6. The City Clerk is hereby directed to file a certified copy of this Resolution with the Division of Local Government in the Department of Local Affairs.

ADOPTED AND APPROVED THIS 5th DAY OF MAY, 2015.

CITY OF LONE TREE

By: _____
James D. Gunning, Mayor

ATTEST:

(SEAL)

Jennifer Pettinger, CMC, City Clerk

**CITY OF LONE TREE
SPECIAL REVENUE FUND - RIDGEGATE
2014 ADOPTED BUDGET, 2014 ORIGINAL AMENDED BUDGET
AND 2014 FINAL AMENDED BUDGET
EXHIBIT A**

	2014 ADOPTED BUDGET	2014 ORIGINAL AMENDED	2014 FINAL AMENDED
BEGINNING FUND BALANCE	\$ 52,601	\$ 98,726	\$ 98,726
REVENUE			
Sales tax	1,818,000	2,139,000	2,139,000
Use tax-retail	687,000	450,000	450,000
Use tax - building materials	965,000	904,000	904,000
Lodging tax	158,100	190,000	190,000
Franchise fees - electric and gas	110,250	125,000	134,000
Franchise fees - cable	4,700	4,000	4,000
Highway Users Tax (HUTF)	84,175	84,175	97,000
Building permit fees	963,000	1,381,000	1,700,000
Planning and zoning fees	20,000	12,500	12,500
Engineering fees	110,000	75,000	75,000
Schweiger Ranch grants and contributions	75,000	75,000	75,000
Net investment income	1,500	1,520	1,520
Other	5,000	37,070	45,000
Total revenue	<u>5,001,725</u>	<u>5,478,265</u>	<u>5,827,020</u>
TRANSFERS IN			
General Fund	-	-	-
Total transfers in	<u>-</u>	<u>-</u>	<u>-</u>
Total funds available	<u>\$ 5,054,326</u>	<u>\$ 5,576,991</u>	<u>\$ 5,925,746</u>

**CITY OF LONE TREE
SPECIAL REVENUE FUND - RIDGEGATE
2014 ADOPTED BUDGET, 2014 ORIGINAL AMENDED BUDGET
AND 2014 FINAL AMENDED BUDGET
EXHIBIT A**

2014 ADOPTED BUDGET	2014 ORIGINAL AMENDED	2014 FINAL AMENDED
---------------------------	-----------------------------	--------------------------

EXPENDITURES

City Administration - salaries and benefits	\$ 203,554	203,554	200,000
Legal	20,000	20,000	35,000
Administration and overhead costs	220,000	220,000	195,000
Insurance	76,900	81,000	85,000
Audit	5,000	5,000	5,000
Engineering	300,000	300,000	220,000
Community Development	208,024	208,024	190,000
Consulting	35,000	35,000	35,000
Police Department	1,556,317	1,422,729	1,300,000
Street lighting	5,000	5,500	5,500
Snow removal	125,000	177,250	177,250
Schweiger Ranch Preservation	75,000	75,000	75,000
Retail shareback	480,675	556,041	582,924
Service provider shareback	200,000	200,000	200,000
Developer revenue shareback	865,870	1,171,580	1,335,984
Contingency	5,000	12,758	144,743
Total expenditures	4,381,340	4,693,436	4,786,401

TRANSFERS OUT

General Fund	620,385	830,954	1,086,744
Total transfers out	620,385	830,954	1,086,744

Total appropriation	5,001,725	5,524,390	5,873,145
---------------------	-----------	-----------	-----------

ENDING FUND BALANCE

	\$ 52,601	\$ 52,601	\$ 52,601
--	-----------	-----------	-----------

CITY OF LONE TREE PRELIMINARY FINDINGS

- AGENDA ITEM:** Hotel and Restaurant Liquor License for Lone Tree Hooters, Inc. d/b/a Hooters
- MEETING DATE:** May 5, 2015
- STAFF PERSON RESPONSIBLE:** Jennifer Pettinger, CMC, City Clerk
- DESCRIPTION:** Hotel and Restaurant Liquor License for Lone Tree Hooters, Inc. d/b/a Hooters, 8334 S. Willow Street, Suite G, Lone Tree, Colorado.
- SUMMARY:** The application for a new Hotel and Restaurant Liquor License at the above location was submitted and completed in all material respects. The necessary fees accompanied the application.
- This establishment is located at 8334 S. Willow Street, Suite G. A ten year commercial lease was entered into between Meadows Shopping Center 05 A, LLC and Lone Tree Hooters, Inc. on February 25, 2015. Staff has reviewed all the lease documentation.
- The License Application, Individual History Records, Red-lined Drawing of the Premises, and Summary of Petitioning are attached. Staff has also reviewed the following documents: articles of incorporation, bylaws of Lone Tree Hooters, Inc., certificate of good standing issued by the Colorado Secretary of State, Lone Tree business license, affidavit of posting, affidavit of publication and Petitions.
- Fingerprinting and background checks were submitted through CBI; no adverse comments or events being reported. All posting and publication requirements have been met and the petition results have been reviewed.
- A Hotel and Restaurant licensee must have full meals available until 8:00 p.m. every day, and snacks and sandwiches after 8:00 p.m. Food sales must provide at least 25% of the gross income from the sale of food and drink of the license premises over any period of time of at least one year.
- RECOMMENDED COUNCIL ACTION:** Convene the Public Hearing for a new Hotel and Restaurant Liquor License and consider a motion to approve the application for a Hotel and Restaurant Liquor License conditional upon the applicant obtaining necessary building permits and approvals.

Colorado Liquor Retail License Application

<input checked="" type="checkbox"/> New License <input type="checkbox"/> New-Concurrent <input type="checkbox"/> Transfer of Ownership			
<ul style="list-style-type: none"> • All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor • Local License Fee \$ _____ 			
1. Applicant is applying as a/an <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)		<input type="checkbox"/> Individual <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Association or Other	
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation Lone Tree Hooters, Inc.			FEIN Number
2a. Trade Name of Establishment (DBA) Hooters		State Sales Tax Number 30423847	Business Telephone 720-493-4668
3. Address of Premises (specify exact location of premises, include suite/unit numbers) 8334 S. Willow Street, Suite G			
City Lone Tree	County Douglas	State CO	ZIP Code 80124
4. Mailing Address (Number and Street) 300 S. Jackson Street, Suite 400		City or Town Denver	State CO
5. Email Address suzanne@restam.com			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA) n/a	Present State License Number n/a	Present Class of License n/a	Present Expiration Date n/a
Section A Nonrefundable Application Fees		Section B (Cont.) Liquor License Fees	
<input type="checkbox"/> Application Fee for New License \$ 600.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review \$ 700.00 <input type="checkbox"/> Application Fee for Transfer \$ 600.00		<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50 <input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50 <input type="checkbox"/> Manager Registration - H & R \$ 75.00 <input type="checkbox"/> Manager Registration - Tavern \$ 75.00 <input type="checkbox"/> Master File Location Fee\$ 25.00 X _____ Total _____ <input type="checkbox"/> Master File Background\$250.00 X _____ Total _____ <input type="checkbox"/> Optional Premises License (City) \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City)..... \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City) \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00 <input type="checkbox"/> Retail Liquor Store License (City)..... \$227.50 <input type="checkbox"/> Retail Liquor Store License (County) \$312.50 <input type="checkbox"/> Tavern License (City) \$500.00 <input type="checkbox"/> Tavern License (County) \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County) \$750.00	
Section B Liquor License Fees			
<input type="checkbox"/> Add Optional Premises to H & R\$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex\$ 75.00 X _____ Total _____ <input type="checkbox"/> Arts License (City)\$308.75 <input type="checkbox"/> Arts License (County)\$308.75 <input type="checkbox"/> Beer and Wine License (City).....\$351.25 <input type="checkbox"/> Beer and Wine License (County)\$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County).....\$750.00 <input type="checkbox"/> Club License (City)\$308.75 <input type="checkbox"/> Club License (County)\$308.75 <input type="checkbox"/> Distillery Pub License (City).....\$750.00 <input type="checkbox"/> Distillery Pub License (County)\$750.00 <input checked="" type="checkbox"/> Hotel and Restaurant License (City)\$500.00 <input type="checkbox"/> Hotel and Restaurant License (County)\$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City)\$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises(County).....\$600.00			
Questions? Visit: www.colorado.gov/enforcement/liquor for more information			
Do not write in this space - For Department of Revenue use only			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) Had an alcohol beverage license suspended or revoked?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If you answered yes to 8a, b or c, explain in detail on a separate sheet. See attached Exhibit A				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Waiver by local ordinance? Other: _____		<input type="checkbox"/>	<input type="checkbox"/>	
11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee. See attached Exhibit B		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease: See attached Exhibit C				
Landlord	Tenant	Expires		
Meadows Shopping Center 05 A, LLC	Lone Tree Hooters, Inc.	2025		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". See attached Exhibit D				
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary. See attached Affidavit of Source of Funds				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Restaurants of America, Inc.	n/a	n/a		100
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:				
Has a local ordinance or resolution authorizing optional premises been adopted?		<input type="checkbox"/>	<input type="checkbox"/>	
Number of additional Optional Premise areas requested. (See license fee chart)		n/a		
15. Liquor Licensed Drug Store applicants, answer the following:				
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy?		<input type="checkbox"/>	<input type="checkbox"/>	
If "yes" a copy of license must be attached.				
16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(c) How long has the club been incorporated?				
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input type="checkbox"/>	
17. Brew-Pub License or Vintner Restaurant Applicants answer the following:				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/>	<input type="checkbox"/>	
18a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)				
Last Name of Manager	First Name of Manager	Date of Birth		
Weston	Brian			
18b. Does this manager acts as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. See attached Exhibit E		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Type of License	Account Number			
See attached Exhibit E				
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If yes, provide an explanation and include copies of any payment agreements.				

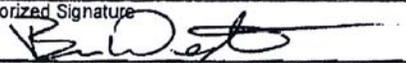
20. **If applicant is a corporation, partnership, association or limited liability company, applicant must list all officers, directors, general partners, and managing members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% of more in the applicant. All persons listed below must also attach form DR8404-I (Individual History Record), and submit fingerprint cards to their local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
Restaurants of America, Inc.	300 S. Jackson St., Ste. 400, Denver, CO	-	Parent Company	100
Brian K. Weston	6610 S. Billings Way, Centennial, CO		President	--
Thomas E. Campbell	16453 Stonefeld Place, Parker, CO		Vice Pres/Sec.	--
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature:  Printed Name and Title: **PRESIDENT** Date: **3-2-15**

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority: **3-6-15** Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.): **5-5-15**

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)
 Date of inspection or anticipated date: **5/30/15**
 Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.
Therefore, this application is approved.

Local Licensing Authority for: **CITY OF Lone Tree** Telephone Number: **3-708-1818** Town, City County

Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

EXHIBIT A

(Question #7((b) and (c) on Colorado Liquor Retail License Application)

Restaurants of America, Inc. (and indirectly the following corporate officers of Restaurants of America, Inc. - Brian K. Weston, President; Thomas E. Campbell, Vice President) have financial interests in the following Hooters and Li'l Ricci's restaurants in Colorado which have hotel/restaurant liquor licenses that have been suspended:

1. Colorado Springs Hooters, Inc.
750 Citadel Drive, Unit E
Colorado Springs, CO 80909
 - (a) On July 23, 2010 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) and serving a visibly intoxicated person in violation of C.R.S. §12-47-901(1)(a) and CCR 1 CCR 203-2, Regulation 47-900(A). License was suspended for 15 days. 12 days held in abeyance for 1 year and a fine in lieu of suspension for the remaining 3 days. A fine was paid.
 - (b) On June 23, 2011 cited with serving visibly intoxicated person in violation of C.R.S. §12-47-901(5)(a)(I). Show cause action was dismissed.

2. Kipling Hooters, Ltd.
695 Kipling Street
Lakewood, Colorado 80215

Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on March 10, 2000 Kipling Hooters, Ltd. was cited with serving a visibly intoxicated person in violation of C.R.S. §12-47-901(1)(a). License was suspended for 5 days with 5 days held in abeyance. Suspension went into effect on October 3, 2000.

3. Li'l Ricci's Lincoln, LLC
16526 Keystone Boulevard, #6
Parker, CO 80134

-
- (a) On May 31, 2008 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901. On September 18, 2008 a written warning was issued with a requirement that the licensee's employees complete TIPS training classes and submit certificates of completion within 60 days. Failure to comply would result in a 5 day suspension to be served by Licensee. Li'l Ricci's fully complied.

EXHIBIT A

(Question #7((b) and (c) on Colorado Liquor Retail License Application)

- (b) On December 4, 2010, cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a) and Parker Municipal Code 8.11.050. License was suspended for 7 days with 3 days served and 4 days held in abeyance.
4. Li'l Ricci's Golden, L.P.
16950 W. Colfax Avenue, Unit 108
Golden, CO 80401-5666
- (a) On October 5, 2012 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) and Golden Municipal Code Section 8.04.830(1)(a). License suspended for 6 days. 3 days served and 3 days held in abeyance for 1 year. Fine paid in lieu of suspension.
- (b) On August 13, 2014 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License suspended for 7 days. 4 days served and 3 days held in abeyance for 1 year. Fine paid in lieu of suspension.
5. Parker Road Hooters, Inc.
2610 S. Parker Road
Aurora, Colorado 80014
- (a) Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on January 2, 1999 Parker Road Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License was suspended for 15 days with 12 days held in abeyance for 1 year and 3 days were served. Suspension went into effect on May 29, 1999.
- (b) Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that Parker Road Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License was suspended for 15 days with 12 days held in abeyance and 3 days served; suspension went into effect on February 21, 2005.

EXHIBIT A

(Question #7((b) and (c) on Colorado Liquor Retail License Application)

6. Thunder Mountain Hooters, LLC
4230 Byrd Drive
Loveland, CO 80538

- a. Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on June 16, 2007, Thunder Mountain Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). On August 16, 2007 license was suspended for 15 days with 10 days held in abeyance for 1 year and a fine was paid in lieu of serving the remaining 5 day suspension.
- b. On June 14, 2008 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) . On September 18, 2008, license was suspended for 10 days with 20 days held in abeyance for 1 year.
- c. On June 26, 2014 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). 20 day suspension. 7 days to be served with the right to pay a fine in lieu of suspension and 13 days held in abeyance for 1 year. Fine paid in lieu of suspension.

7. Hooters of Westminster, L.P.
1111 W. 120th Avenue
Westminster, CO 80234

On July 13, 2006, cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) and C.R.S. §12-47-901(5)(a)(I) and Section 6-9-2(A) of the Westminster Municipal Code. On October 18, 2006 license was suspended for 7 days with 6 days held abeyance for a period of 2 years. One day suspension was served on November 4, 2006.

EXHIBIT B
(Question #11 on Colorado Liquor Retail License Application)

Restaurants of America, Inc. (and indirectly the following corporate officers of Restaurants of America, Inc. - Brian K. Weston, President; Thomas E. Campbell, Vice President) have financial interests in the following Hooters and Li'l Ricci's restaurants in Colorado which have been issued hotel/restaurant liquor licenses:

1. Colorado Springs Hooters, Inc.
750 Citadel Drive, Suite 1012
Colorado Springs, CO 80909
2. Colorado Springs North Hooters, Inc.
7285 Commerce Center Drive
Colorado Springs, Colorado 80919
3. Grand Junction Hooters, L.P.
2880 N. Avenue
Grand Junction, CO 81501
4. Hooters of Westminster, L.P.
1111 W. 120th Avenue
Westminster, CO 80234
5. Kipling Hooters, Ltd.
695 Kipling Street
Lakewood, Colorado 80215
6. Li'l Ricci's Golden, L.P.
16950 W. Colfax Avenue
Golden, CO 80401
7. Li'l Ricci's Highlands Ranch, LP
44 West Centennial Boulevard
Highlands Ranch, CO 80129
8. Li'l Ricci's Lincoln, LLC
16526 Keystone Boulevard
Parker, CO 80134
9. Parker Road Hooters, Inc.
2610 S. Parker Road
Aurora, Colorado 80014
10. Thunder Mountain Hooters, LLC
4230 Byrd Drive
Loveland, CO 80538

EXHIBIT E
(Question #18(b) on Colorado Liquor Retail License Application)

Brian K. Weston, as President of Restaurants of America has financial interests in the following Hooters and Li'l Ricci's restaurants in Colorado which have been issued hotel/restaurant liquor licenses:

1. Colorado Springs Hooters, Inc.
750 Citadel Drive, Suite 1012
Colorado Springs, CO 80909
Account No.: 28-06164-0000
2. Colorado Springs North Hooters, Inc.
7285 Commerce Center Drive
Colorado Springs, Colorado 80919
Account No.: 26-45860-0000
3. Grand Junction Hooters, L.P.
2880 N. Avenue
Grand Junction, CO 81501
Account No.: 42-70627-0000
4. Hooters of Westminster, L.P.
1111 W. 120th Avenue
Westminster, CO 80234
Account No.: 26-44749-0000
5. Kipling Hooters, Ltd.
695 Kipling Street
Lakewood, Colorado 80215
Account No.: 23-67614-0000
6. Li'l Ricci's Golden, L.P.
16950 W. Colfax Avenue
Golden, CO 80401
Account No.: 42-65460-0000
7. Li'l Ricci's Highlands Ranch, LP
44 West Centennial Boulevard
Highlands Ranch, CO 80129
Account No.: 15-52092-0000
8. Li'l Ricci's Lincoln, LLC
16526 Keystone Boulevard
Parker, CO 80134
Account No.: 15-40693-0000

EXHIBIT E

(Question #18(b) on Colorado Liquor Retail License Application)

9. Parker Road Hooters, Inc.
2610 S. Parker Road
Aurora, Colorado 80014
Account No.: 23-40139-0000

10. Thunder Mountain Hooters, LLC
4230 Byrd Drive
Loveland, CO 80538
Account No.: 07-80821-0000

SOURCE OF FUNDS

Restaurants of America, Inc., which is the parent company of Lone Tree Hooters, Inc., will invest the following source of funds to the Applicant Lone Tree Hooters, Inc. as follows:

1. Restaurant of America, Inc.'s capital contribution to the Applicant is \$600,000.00 more specifically set forth below:

Member	EIN/SSN	Capital Contributions	Source of Funds
Restaurants of America, Inc.		\$600,000.00	Bank Name: BBVA/Compass
Total		\$600,000.00	

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.**

1. Name of Business
 Lone Tree Hooters, Inc.

2. Your Full Name (last, first, middle)
 Weston, Brian K.

3. List any other names you have used.
 n/a

4. Mailing address (if different from residence)
 n/a

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 6610 S. Billings Way	Centennial, CO 80111	2002	present
Previous			

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Restaurants of America, Inc.	300 S. Jackson Street, Ste. 400, Denver, CO	President	12/06	present

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
n/a	n/a	n/a	n/a

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.

Yes No

See attached Exhibit A

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.

Yes No

See attached Exhibit B

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)
 Yes No
See attached Exhibit C

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)
 Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)
 Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Cincinnati, Ohio		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where n/a				f. When n/a		g. Name of District Court n/a	
h. Naturalization Certificate Number n/a		i. Date of Certification n/a		j. If an Alien, Give Alien's Registration Card Number n/a		k. Permanent Residence Card Number n/a	
l. Height 5'9"	m. Weight 210	n. Hair Color Bl	o. Eye Color Bm	p. Sex M	q. Race Cauc	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>CO</u>	

14. Financial Information.
a. Total purchase price \$ 0 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 0

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
See attached Affidavit of Source of Funds		

d. Loan information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
n/a	n/a	n/a	n/a	n/a

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

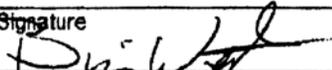
Authorized Signature 	Title President	Date 2/26/15
---	--------------------	-----------------

EXHIBIT B

(Question #9 on Individual History Record – Brian K. Weston)

I am President of Restaurants of America, Inc. which has financial interests in the following Hooters and Li'l Ricci's restaurants in Colorado which have hotel/restaurant liquor licenses that have been suspended:

1. Colorado Springs Hooters, Inc.
750 Citadel Drive, Unit E
Colorado Springs, CO 80909
 - (a) On July 23, 2010 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) and serving a visibly intoxicated person in violation of C.R.S. §12-47-901(1)(a) and CCR 1 CCR 203-2, Regulation 47-900(A). License was suspended for 15 days. 12 days held in abeyance for 1 year and a fine in lieu of suspension for the remaining 3 days. A fine was paid.
 - (b) On June 23, 2011 cited with serving visibly intoxicated person in violation of C.R.S. §12-47-901(5)(a)(I). Show cause action was dismissed.
2. Kipling Hooters, Ltd.
695 Kipling Street
Lakewood, Colorado 80215

Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on March 10, 2000 Kipling Hooters, Ltd. was cited with serving a visibly intoxicated person in violation of C.R.S. §12-47-901(1)(a). License was suspended for 5 days with 5 days held in abeyance. Suspension went into effect on October 3, 2000.

3. Li'l Ricci's Lincoln, LLC
16526 Keystone Boulevard, #6
Parker, CO 80134
 - (a) On May 31, 2008 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901. On September 18, 2008 a written warning was issued with a requirement that the licensee's employees complete TIPS training classes and submit certificates of completion within 60 days. Failure to comply would result in a 5 day suspension to be served by Licensee. Li'l Ricci's fully complied.
 - (b) On December 4, 2010, cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a) and Parker Municipal Code 8.11.050. License was suspended for 7 days with 3 days served and 4 days held in abeyance.

EXHIBIT B

(Question #9 on Individual History Record – Brian K. Weston)

4. Li'l Ricci's Golden, L.P.
16950 W. Colfax Avenue, Unit 108
Golden, CO 80401-5666
 - (a) On October 5, 2012 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) and Golden Municipal Code Section 8.04.830(1)(a). License suspended for 6 days. 3 days served and 3 days held in abeyance for 1 year. Fine paid in lieu of suspension.
 - (b) On August 13, 2014 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License suspended for 7 days. 4 days served and 3 days held in abeyance for 1 year. Fine paid in lieu of suspension.

5. Parker Road Hooters, Inc.
2610 S. Parker Road
Aurora, Colorado 80014
 - (a) Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on January 2, 1999 Parker Road Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License was suspended for 15 days with 12 days held in abeyance for 1 year and 3 days were served. Suspension went into effect on May 29, 1999.
 - (b) Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that Parker Road Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License was suspended for 15 days with 12 days held in abeyance and 3 days served; suspension went into effect on February 21, 2005.

6. Thunder Mountain Hooters, LLC
4230 Byrd Drive
Loveland, CO 80538
 - a. Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on on June 16, 2007, Thunder Mountain Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). On August 16, 2007 license was suspended for 15 days with 10 days held in abeyance for 1 year and a fine was paid in lieu of serving the remaining 5 day suspension.

EXHIBIT C

(Question #10 on Individual History Record – Brian K. Weston)

I was arrested on 4/14/91 in Georgia and charged with DUI. I pled no contest to the charge of DUI on 7/11/91. All fines and fees were paid on 4/19/91. Of what I can recall, when I was arrested I had to post a \$500.00 bond. Upon posting the bond, I was released and returned to Colorado the next day. The fines that were assessed against me totaled \$250.00, which were paid from the bond. Other than pay a fine, I was not required to complete any other terms.

SOURCE OF FUNDS

Restaurants of America, Inc., which is the parent company of Lone Tree Hooters, Inc., will invest the following source of funds to the Applicant Lone Tree Hooters, Inc. as follows:

1. Restaurant of America, Inc.'s capital contribution to the Applicant is \$600,000.00 more specifically set forth below:

Member	EIN/SSN	Capital Contributions	Source of Funds
Restaurants of America, Inc.		\$600,000.00	Bank Name: BBVA/Compass
Total		\$600,000.00	

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business

Lone Tree Hooters, Inc.

2. Your Full Name (last, first, middle)

Campbell, Thomas E.

3. List any other names you have used.

Tom Edward Campbell; Tom Campbell

4. Mailing address (if different from residence)

n/a

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current	16453 Stonefeld Place	Parker, CO 80134	12/02	present
Previous				

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Restaurants of America, Inc.	300 S. Jackson Street, Ste. 400, Denver, CO	Vice President	12/06	present

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
n/a	n/a	n/a	n/a

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.

Yes No

See attached Exhibit A

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.

Yes No

See attached Exhibit B

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (if yes, explain in detail.)
 Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)
 Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (if yes, explain in detail.)
 Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.
 The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Cincinnati, Ohio		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where n/a				f. When n/a		g. Name of District Court n/a	
h. Naturalization Certificate Number n/a		i. Date of Certification n/a		j. If an Alien, Give Alien's Registration Card Number n/a		k. Permanent Residence Card Number n/a	
l. Height 6'1"	m. Weight 170	n. Hair Color Brn	o. Eye Color Hazel	p. Sex M	q. Race Cauc	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CO	

14. Financial information.
 a. Total purchase price \$ 0 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 0

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
See attached Affidavit of Source of Funds		

d. Loan information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
n/a	n/a	n/a	n/a	n/a

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

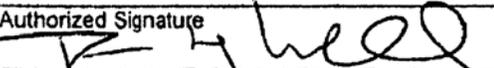
Authorized Signature 	Title Vice President	Date 2/26/15
--	-------------------------	-----------------

EXHIBIT B

(Question #9 on Individual History Record – Thomas E. Campbell)

I am Vice President of Restaurants of America, Inc. which has financial interests in the following Hooters and Li'l Ricci's restaurants in Colorado which have hotel/restaurant liquor licenses that have been suspended:

1. Colorado Springs Hooters, Inc.
750 Citadel Drive, Unit E
Colorado Springs, CO 80909
 - (a) On July 23, 2010 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) and serving a visibly intoxicated person in violation of C.R.S. §12-47-901(1)(a) and CCR 1 CCR 203-2, Regulation 47-900(A). License was suspended for 15 days. 12 days held in abeyance for 1 year and a fine in lieu of suspension for the remaining 3 days. A fine was paid.
 - (b) On June 23, 2011 cited with serving visibly intoxicated person in violation of C.R.S. §12-47-901(5)(a)(I). Show cause action was dismissed.

2. Kipling Hooters, Ltd.
695 Kipling Street
Lakewood, Colorado 80215

Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on March 10, 2000 Kipling Hooters, Ltd. was cited with serving a visibly intoxicated person in violation of C.R.S. §12-47-901(1)(a). License was suspended for 5 days with 5 days held in abeyance. Suspension went into effect on October 3, 2000.

3. Li'l Ricci's Lincoln, LLC
16526 Keystone Boulevard, #6
Parker, CO 80134
 - (a) On May 31, 2008 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901. On September 18, 2008 a written warning was issued with a requirement that the licensee's employees complete TIPS training classes and submit certificates of completion within 60 days. Failure to comply would result in a 5 day suspension to be served by Licensee. Li'l Ricci's fully complied.
 - (b) On December 4, 2010, cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a) and Parker Municipal Code 8.11.050. License was suspended for 7 days with 3 days served and 4 days held in abeyance.

EXHIBIT B

(Question #9 on Individual History Record – Thomas E. Campbell)

4. Li'l Ricci's Golden, L.P.
16950 W. Colfax Avenue, Unit 108
Golden, CO 80401-5666
 - (a) On October 5, 2012 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) and Golden Municipal Code Section 8.04.830(1)(a). License suspended for 6 days. 3 days served and 3 days held in abeyance for 1 year. Fine paid in lieu of suspension.
 - (b) On August 13, 2014 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License suspended for 7 days. 4 days served and 3 days held in abeyance for 1 year. Fine paid in lieu of suspension.

5. Parker Road Hooters, Inc.
2610 S. Parker Road
Aurora, Colorado 80014
 - (a) Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on January 2, 1999 Parker Road Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License was suspended for 15 days with 12 days held in abeyance for 1 year and 3 days were served. Suspension went into effect on May 29, 1999.
 - (b) Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that Parker Road Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). License was suspended for 15 days with 12 days held in abeyance and 3 days served; suspension went into effect on February 21, 2005.

6. Thunder Mountain Hooters, LLC
4230 Byrd Drive
Loveland, CO 80538
 - a. Restaurants of America, Inc. does not have any records available to the best of its knowledge and belief. However, Restaurants of America's recollection is that on on June 16, 2007, Thunder Mountain Hooters was cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). On August 16, 2007 license was suspended for 15 days with 10 days held in abeyance for 1 year and a fine was paid in lieu of serving the remaining 5 day suspension.

EXHIBIT B

(Question #9 on Individual History Record – Thomas E. Campbell)

- b. On June 14, 2008 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) . On September 18, 2008, license was suspended for 10 days with 20 days held in abeyance for 1 year.
- c. On June 26, 2014 cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I). 20 day suspension. 7 days to be served with the right to pay a fine in lieu of suspension and 13 days held in abeyance for 1 year. Fine paid in lieu of suspension.

- 7. Hooters of Westminster, L.P.
1111 W. 120th Avenue
Westminster, CO 80234

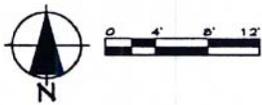
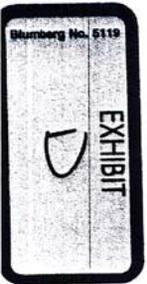
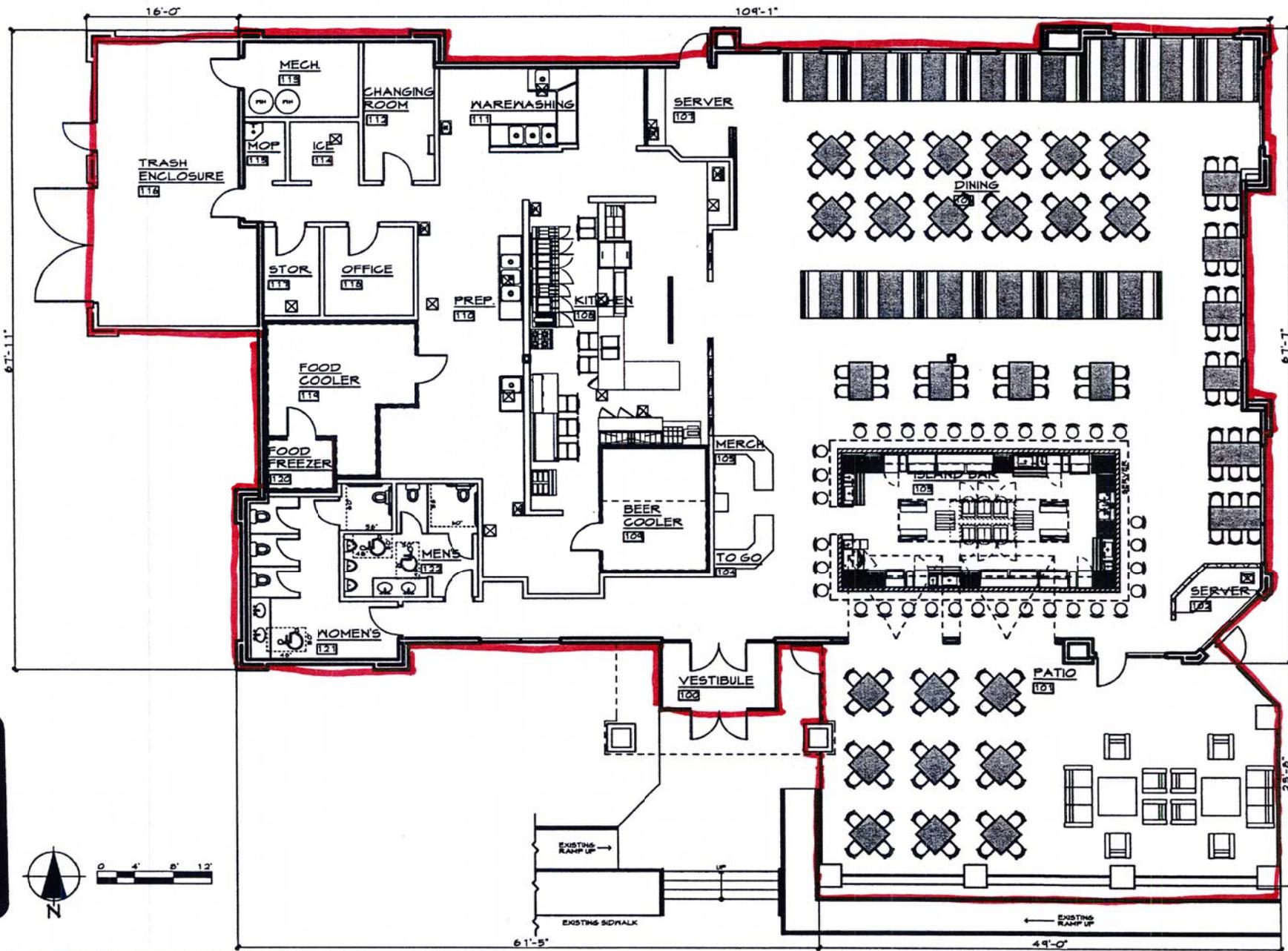
On July 13, 2006, cited with selling alcohol to person under the age of 21 in violation of C.R.S. §12-47-901(1)(a.5)(I) and C.R.S. §12-47-901(5)(a)(I) and Section 6-9-2(A) of the Westminster Municipal Code. On October 18, 2006 license was suspended for 7 days with 6 days held abeyance for a period of 2 years. One day suspension was served on November 4, 2006.

SOURCE OF FUNDS

Restaurants of America, Inc., which is the parent company of Lone Tree Hooters, Inc., will invest the following source of funds to the Applicant Lone Tree Hooters, Inc. as follows:

1. Restaurant of America, Inc.'s capital contribution to the Applicant is \$600,000.00 more specifically set forth below:

Member	EIN/SSN	Capital Contributions	Source of Funds
Restaurants of America, Inc.		\$600,000.00	Bank Name: BBVA/Compass
Total		\$600,000.00	



HOOTERS

LONE TREE, CO

PARK MEADOWS

MAH Architectural Group
 1365 S. Colorado Blvd, Penthouse
 Denver, Colorado 80222
 (C) 303.718.0605
 (F) 303.718.0608
 (W) www.maharch.com

DATE: Thursday, February 19, 2015 REVISION: r1

*Oedipus, Inc.*TM
Empirical Data Services

Lone Tree Hooters, Inc.

dba

Hooters

8334 S. Willow Street, Suite G
Lone Tree, CO 80112

**Hotel & Restaurant
Liquor License**

5 May 2015

Local Licensing Authority
Lone Tree, Colorado

Re: Petition/Opinion Poll to Determine Needs and Desires
of the Defined Neighborhood in the Application of:

Lone Tree Hooters, Inc., dba Hooters
8334 S. Willow Street, Suite G, Lone Tree, CO 80112
Hotel & Restaurant Liquor License

- PETITION & TELEPHONE SURVEYS
 - Liquor & 3.2 Beer Licensing
 - Rezoning
 - Opinion Poll
 - Venue
 - Special Tax Districts
- LIQUOR LICENSE SITE & ECONOMIC ANALYSIS

PETITION/OPINION POLL PROCEDURE

1. Under the direction and control of Oedipus, Inc. management, the Oedipus, Inc. employee was briefed on the application.
2. The employee carried a clipboard with the following:
 - A. Two maps of the area denoting the proposed location of the license and the boundaries of the defined neighborhood;
 - B. Petitions allowing individuals contacted to indicate their opinion with instructions and qualifications for signing;
 - C. A stat sheet to record the opinion of those not signing and not-at-homes.
3. This petition/opinion poll was performed on 28 and 31 March 2015, (businesses), and 28 March 2015, 9, 10, 11 and 14 April 2015 (residences) within the neighborhood defined by the City of Lone Tree as a 1-mile radius surrounding the proposed license location (see map). The circulation packets have a cover map, and the areas in which each petition circulation/polling took place are outlined in highlighter. Included in this Report is a master circulation map outlining all areas where circulation/polling was conducted.
4. Individuals were contacted on a random sampling basis, were screened to identify them as parties in interest, and were asked their opinion after they had been informed of the applicant, site location, and type of license being applied for. Their opinion was either recorded on the petition format or on the stat sheet.
5. *Note: The entire northern ½ portion of the defined 1-mile radius boundary area (north of County Line Road) is Centennial. Three areas were randomly selected for petitioning and appear in pink on the attached map.*

A substantial area of the lower southwest portion of the 1-mile radius is Acres Green, and one area was randomly selected for petitioning which appears in pink on the attached map.

A limited number of Lone Tree residents are available for petitioning in the 1-mile radius area and those were found to reside within an apartment complex in the southernmost portion bordering the boundary line. In an effort to specifically comply with the Court & Liquor Licensing Clerk Regina Dennehy's stated request that "The Authority does appreciate as much of the petitioning as possible be down within the city limits.", numerous attempts were made to contact as many of these particular Lone Tree residents as possible. During our first contact with these apartment residents on 28 March 2015, a male individual residing at 9053 S. Yosemite, Apartment #1204, in an exceedingly rude manner and using foul language informed the Oedipus petitioner she was not allowed to petition in this apartment complex, ordered her off his property and called Lone Tree police to report her presence there. The petitioner promptly went to the apartment complex office to report this encounter and spoke with staff who informed her she was permitted to petition there. As they were speaking, the resident entered the office accompanied by a Lone Tree police officer. Office staff informed both the resident and Lone Tree police officer petitioning was indeed authorized by them after which the resident returned to his apartment and the Lone Tree police officer left.

6. Two (2) petition packets (one packet representing businesses, one packet representing residences), together with a Summary Letter and this Report, were prefiled via courier with the office of Ms. Regina Dennehy to comply with the pre-filing deadline.

PETITION/OPINION POLL RESULTS

1.	<u>Total Doorknocks:</u>		
	Not-at-Homes and/or Business Owners/Managers Not Available		360
	Not Qualified to Sign		19
	Preferred to Not Participate		35
	Parties in Interest that Participated		178
	Deleted Signatures		<u>0</u>
	Total Base Figure		592
2.	<u>Qualified Contacts:</u>		
	A. <u>Signatures and Those Not Signing</u>		
	Signatures Favoring Issuance		144
	Businesses	40	
	Residences	104	
	Not Signing/Favoring Issuance		0
	Signatures Opposing Issuance		34
	Businesses	0	
	Residences	34	
	Not Signing/Opposing Issuance		<u>0</u>
	Total Contacts		178

B. Breakdown of Reasons of Signatures in Opposition:

No Need	3
Abhorrence of Alcohol	1
Religious Objections	0
Usage Objections	26
Miscellaneous Reasons	4
No Reason Given	<u>0</u>
Total Signatures	34

C. Breakdown of Signatures Favoring and Opposing:

Favoring Issuance (Based on Needs/Desires)	144	=	80.90%
Signatures	144		
Not Signing	0		
Opposing Issuance (Based on Needs/Desires)	3	=	1.69%
Signatures	3		
Not Signing	0		
Abhorrence of Alcohol	1	=	0.56%
Signatures	1		
Not Signing	0		
Religious Objections	0	=	0.00%
Signatures	0		
Not Signing	0		
Usage Objections (Commercial, Traffic, Parking, Crime)	26	=	14.61%
Signatures	26		
Not Signing	0		
Other Miscellaneous Reasons	4	=	2.24%
Signatures	4		
Not Signing	0		
No Reason Given	<u>0</u>	=	<u>0.00%</u>
Signatures	0		
Not Signing	0		
Total Base Figure	178	=	100.00%

3. Needs and Desires Signatures:

Signatures Favoring Issuance (Based on Needs/Desires)	144		
Favoring Issuance/Not Signing (Based on Needs/Desires)	0	}	144 = 97.96%
Signatures Opposing Issuance (Based on Needs/Desires)	3		
Opposing Issuance/Not Signing (Based on Needs/Desires)	0	}	<u>3</u> = <u>2.04%</u>
Total Base Figure	147	=	100.00%

The petition packets are presented as follows: Cover map, petitions, and affidavit.

CATEGORIES OF SIGNATURES IN OPPOSITION

NN NEEDS & DESIRES CRITERIA:

Individuals opposed to the license application based on needs and desires criteria per the Colorado Liquor/Beer Codes (currently existing licensed establishments of a same or similar type of license now located within the defined neighborhood are meeting the reasonable requirements of the adult inhabitants of the defined neighborhood at this time).

NON NON-USAGE OF ALCOHOL / ABHORRENCE OF ALCOHOL:

Individuals opposed to the license application because they do not drink alcohol beverages, do not approve of alcohol consumption, and/or abhor alcohol.

RO RELIGIOUS OBJECTIONS:

Individuals opposed to the license application based on religious beliefs/reasons.

OBJ USAGE OBJECTIONS:

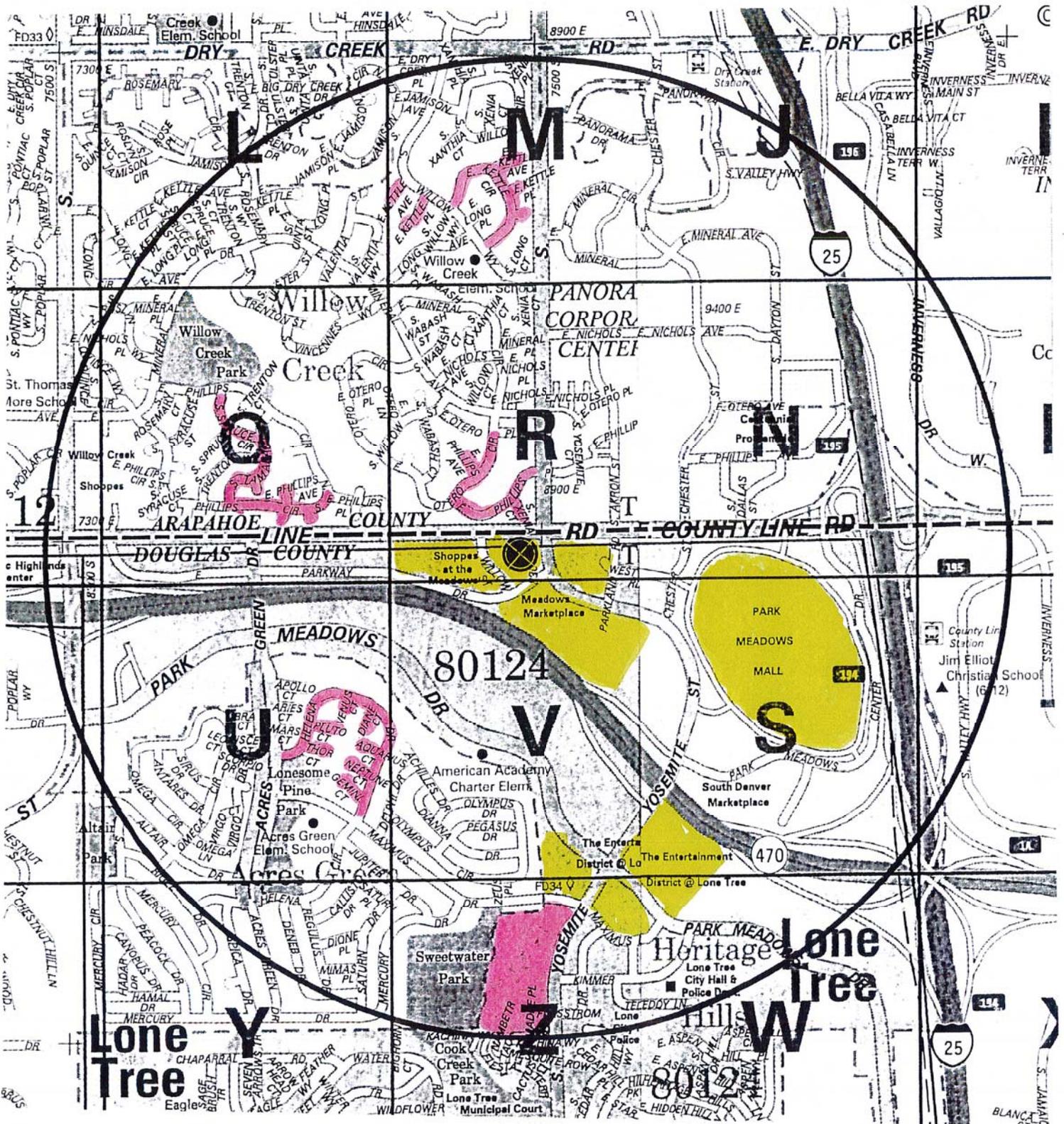
Individuals opposed to the license application because of their fear or concern for the potential of parking problems, traffic problems, crime, noise, littering, undesirable people drawn to the area, loss of property value; or individuals who opposed this type of business or applicant, any type of commercial usage in the neighborhood, any new growth in the neighborhood; or, individuals who think this type of business (if issued a liquor/beer license) should not be located near a residential neighborhood, church, or school, etc.; or, individuals who opposed because they are against any alcohol service at this type of facility, location, or atmosphere; or, individuals who favor the service of beer and wine but oppose the service of distilled spirits (on H&R applications).

MS MISCELLANEOUS OBJECTIONS:

Individuals opposed to the license application for other miscellaneous reasons to include: fear or concern for the possibility of drunk drivers in the area, fear or concern of resulting behavioral problems, individuals who would purchase alcohol beverages then drink and drive, sales to minors/underaged drinking, the location becoming a teen hang-out and the problems that can arise from this, and the effect it could have on family values or their family in general because they have young children or teens; or, individuals who opposed because competition is not desired or how said business may affect the livelihood of existing businesses; or, individuals who compared the “needs and desires” criteria to existing licensed outlets other than the type of license applied for.

NR NO REASON GIVEN:

Individuals who preferred to not state a reason for opposing.



○ - BUSINESSES ○ - RESIDENCES

APPLICANT/TRADE NAME: LONE TREE HOOTERS, INC., dba HOOTERS
SITE LOCATION: 8334 S. WILLOW STREET, SUITE G, LONE TREE, CO 80122
APPLICATION FOR: HOTEL & RESTAURANT LIQUOR LICENSE [To sell beer, wine & distilled spirits by the drink to be consumed ON the licensed premises only]
PUBLIC HEARING: TUESDAY, 5 MAY 2015, 7:00 P.M., LONE TREE CIVIC CENTER, COUNCIL CHAMBERS, 8527 LONE TREE PARKWAY, LONE TREE, COLORADO
DEFINED NEIGHBORHOOD: 1-MILE RADIUS SURROUNDING THE PROPOSED LICENSE LOCATION
 05/05/15



Legend

-  Lone Tree Boundary
-  1 Mile Buffer

 8334 South Willow Street, Suite G



8334 South Willow Street, Suite G
1 Mile Radius