

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
February 4, 2014**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, February 4, 2014, at 7:00 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
Chief Jeffery Streeter, Lone Tree Police Department
Steve Hebert, Community Development Director
Neil Rutledge, Assistant City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TST, Inc.
Kristin Baumgartner, Finance Director

Call to Order

Mayor Gunning called the meeting to order at 7:05 p.m., and observed that a quorum was present.

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 January 21, 2014 Regular Meeting*
- *Claims for the period of January 13-27, 2014*

Council Member Squyer moved, Council Member Anderson seconded, to approve the Consent Agenda. The motion passed unanimously.

Public Works

Approval of Change Order #1 for Brannan Sand & Gravel Company LLC's Contract for 2013 Asphalt Overlay Program

John Cotten, Public Works Director, introduced the item.

Council Member Millet moved, Council Member Monson seconded, to approve Change Order #1 for Brannan Sand & Gravel Company LLC's Contract for 2013 Asphalt Overlay Program in the amount of \$106,000.00 and to increase the contract time by 100 days. The motion passed unanimously by those members present.

Administrative Matters

Public Hearing: Retail Liquor License Application for BWS Sales, LLC d/b/a Chateau Liquors (10016 Commons Street)

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

Jennifer Pettinger, City Clerk, introduced the item and introduced Mary Ann Baldwin, Kimberly Baldwin, Jean Baldwin, Applicants, Jim Beimford, Applicant's Counsel, Kelly Pietrs, petitioner. Mr. Beimford and Ms. Jean Baldwin spoke about the application and answered questions from Council.

Mayor Gunning opened the public hearing for comment at 7:14 p.m.

There was no public comment.

The public hearing was closed at 7:14 p.m.

Mayor Pro Tem Millet moved, Council Member Monson seconded, to approve a new Retail Liquor License for BWS Sales, LLC d/b/a Chateau Liquors at 10016 Commons Street. The motion passed unanimously.

Public Hearing: Hotel and Restaurant Liquor License Application for Pisco Sour Restaurant and Lounge Corporation d/b/a Pisco Sour Restaurant and Lounge (9234 Park Meadows Drive, Suite 100)

Mayor Gunning opened the public hearing at 7:22 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced Aldo Castillo and Juana Chavez, applicants and Max Scott, petitioner. Mr. Castillo spoke about restaurant.

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

There was no public comment.

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

Council Member Monson moved, Council Member Anderson seconded, to approve a new Hotel and Restaurant Liquor License for Pisco Sour Restaurant and Lounge Corporation d/b/a Pisco Sour Restaurant and Lounge at 9234 Park Meadows Drive, Suite 100. The motion passed unanimously.

ORDINANCE 14-01, AMENDING MUNICIPAL CODE PROVISIONS RELATED TO MARIJUANA OFFENSES DUE TO PASSAGE OF COLORADO CONSTITUTIONAL AMENDMENT 64 (First Reading)

Neil Rutledge, Assistant City Attorney, introduced the item.

Council Member Anderson moved, Council Member Squyer seconded, to approve **ORDINANCE 14-01, AMENDING MUNICIPAL CODE PROVISIONS RELATED TO MARIJUANA OFFENSES DUE TO PASSAGE OF COLORADO CONSTITUTIONAL AMENDMENT 64** on First Reading. The motion passed unanimously.

ORDINANCE 14-02, SUBMITTING A CHARTER AMENDMENT TO CITY REGISTERED ELECTORS AT THE MAY 6, 2014 REGULAR ELECTION, AMENDING THE CITY OF LONE TREE HOME RULE CHARTER TO REQUIRE A MAJORITY VOTE FOR THE ELECTION OF MAYOR AND PROVIDING FOR RUNOFF ELECTIONS FOR MAYOR (First Reading)

Neil Rutledge, Assistant City Attorney, introduced the item.

Council Member Squyer moved, Council Member Monson seconded, to approve **ORDINANCE 14-02, SUBMITTING A CHARTER AMENDMENT TO CITY REGISTERED ELECTORS AT THE MAY 6, 2014 REGULAR ELECTION, AMENDING THE CITY OF LONE TREE HOME RULE CHARTER TO REQUIRE A MAJORITY VOTE FOR THE ELECTION OF MAYOR AND PROVIDING FOR RUNOFF ELECTIONS FOR MAYOR** on First Reading. The motion passed unanimously.

Resolution 14-03, AFFIRMING THE LONE TREE CITY COUNCIL VOTING DISTRICTS ESTABLISHED BY ORDINANCE NO. 12-04

Jennifer Pettinger, City Clerk, introduced the item.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve **Resolution 14-03, AFFIRMING THE LONE TREE CITY COUNCIL VOTING DISTRICTS ESTABLISHED BY ORDINANCE NO. 12-04**. The motion passed unanimously.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 7:38 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
RETAIL LIQUOR STORE LICENSE**

BWS Sales, LLC d/b/a Chateau Liquors

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, February 4, 2014 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of BWS Sales, LLC d/b/a Chateau Liquors, 10016 Commons Street, 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:

Jennifer Pettinger, City Clerk
Jean Baldwin, Applicant
Mary Ann Baldwin, Applicant
Kimberly Baldwin, Applicant
Jim Beimford, Applicant's Attorney
Kelly Piets, 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 gave a brief presentation concerning the application and provided evidence of posting to the Council. Ms. 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, lease agreement, articles of organization and petition results. She also noted that staff has reviewed all the documents including their 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. Ms. Pettinger stated 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.

Ms. Pettinger introduced Jean Baldwin, Applicant, Mary Ann Baldwin, Applicant, Kimberly Baldwin, Applicant, Jim Beimford, Applicant's Attorney and Kelly Pietrs, Petitioner. Jean Baldwin and Jim Beimford spoke about the application.

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:

BWS Sales, LLC d/b/a Chateau Liquors

Findings and Report to the State

1. The public hearing held with respect to said Application on February 4, 2014, 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 Retail Store Liquor License at 10016 Commons Street, 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 five year lease agreement entered into on December 13, 2013.
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 142 valid signatures in favor of and 0 valid signatures 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 BWS Sales, LLC d/b/a Chateau Liquors, 10016 Commons St., 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: _____
Jennifer Pettinger
Liquor License Administrator

Date: February 4, 2014

**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**

**Pisco Sour Restaurant and Lounge Corporation d/b/a
Pisco Sour Restaurant and Lounge**

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, February 4, 2014 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of Pisco Sour Restaurant and Lounge Corporation d/b/a Pisco Sour Restaurant and Lounge, 9234 Park Meadows Drive, Suite 100, 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:

Jennifer Pettinger, City Clerk
Aldo Castillo, Applicant
Juana Chavez, Applicant
Max Scott, 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 gave a brief presentation concerning the application and provided evidence of posting to the Council. Ms. 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, lease agreement, articles of organization and petition results. She also noted that staff has reviewed all the documents including their 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. Ms. Pettinger stated 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.

Ms. Pettinger introduced Aldo Castillo and Juana Chavez, Applicants, and Max Scott, Petitioner. Aldo Castillo spoke about the application.

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:

Pisco Sour Restaurant and Lounge Corporation d/b/a Pisco Sour Restaurant and Lounge
Findings and Report to the State

2. The public hearing held with respect to said Application on February 4, 2014, 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 9234 Park Meadows Drive, Suite 100, 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 five year lease agreement entered into on December 9, 2013.
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 207 valid signatures in favor of and 3 valid signatures 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 Pisco Sour Restaurant and Lounge Corporation d/b/a Pisco Sour Restaurant and Lounge, 9234 Park Meadows Drive, Suite 100, 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: _____
Jennifer Pettinger
Liquor License Administrator

Date: February 4, 2014