



CITY COUNCIL ACTION REPORT

November 24, 2009

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police
 Captain Gerard Scherlinck, Services Division
 Lieutenant Michael Lyczkowski
 Sergeant Russel Harden
 Officer James Feld

SUBJECT: Application for transfer of Class C license to Grand Azteca V, Inc.

Background:

- Grand Azteca V, Inc. requests to transfer ownership of 2009 Class C licensed business located in escrow at 4856 N. Adams, Rochester, MI 48306, Oakland Township, Oakland County, Red Lotus, LLC and transfer location (Governmental Unit) (MCL 436L.1531(1) to 935 E. Long Lake, Troy, MI 48085 Oakland County and request new official permit (Food); and SDM License. {MLCC Req. #524757}
- On November 9, 2009, applicants, Silviano Arellano-Aguaya and Juan Ramos, Stockholders of Grand Azteca V. Inc. answered questions for the Liquor Advisory Committee.
- Mr. Silviano Arellano-Aguaya and Juan Ramos explained to the Committee that they own and operate four additional Grand Azteca restaurants in the area outside of Troy with liquor licenses and currently operate the Troy Grand Azteca V without a liquor license.
- Mr. Silviano Arellano-Aguaya and Juan Ramos provided the Committee with dining menus from the five establishments.
- Mr. Silviano Arellano-Aguaya and Juan Ramos would like to serve alcohol at this establishment as well.
- The Liquor Advisory Committee unanimously approved this request.

Legal Considerations:

- The request complies with all applicable Troy City ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.
- The MLCC requires local government approval for the transfer of Class C licenses.

Policy Considerations:

- City Goal III: "Retain and attract investment while encouraging redevelopment".

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 21st day of September, 2009, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and Grand Azteca V, Inc. the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer ownership of 2009 Class C with SDM & Food license to be located at 935 E Long Lake Road, Troy MI.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: _____

Roger Sloan

By:

[Signature]

Subscribed and sworn to before me this 21st day of September 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: October 23, 2014

Roger Sloan

CITY OF TROY

Witnesses: _____

By: _____

Louise Schilling, Mayor

By: _____

Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 ____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

09/09/09
FOR MLCC USE ONLY

Request ID # 524757

Business ID # 220807

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

AUGUST 24, 2009

TO: TROY CITY COUNCIL
 ATTN: CLERK
 500 W. BIG BEAVER ROAD
 TROY, MI 48084-5285

APPLICANT: GRAND AZTECA V., INC.

Home Address and Telephone No. or Contact Address and Telephone No.:

SILVIANO ARELLANO-AGUAYO, 935 E. LONG LAKE, TROY, MI 48085, H (248) 670-4842
 JUAN L. RAMOS, 2731 RHODES, TROY, MI 48083, B (248) 670-4842

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS

rlb

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to TRANSFER OWNERSHIP OF 2009 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 4856 N. ADAMS, ROCHESTER, MI 48306, OAKLAND TOWNSHIP, OAKLAND COUNTY, FROM RED LOTUS, LLC TO GRAND AZTECA V, INC. & TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436L.1531(1) TO 935 E. LONG LAKE, TROY, MI 48085, OAKLAND COUNTY.

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed) _____
(Township, City or Village Clerk)

SEAL

(Mailing address of Township, City or Village)

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Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

AUGUST 24, 2009

TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 W. BIG BEAVER ROAD
TROY, MI 48084-5285

Request ID #: 524757

Applicant : GRAND AZTECA V., INC., REQUESTS TO TRANSFER OWNERSHIP OF 2009 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 4856 N. ADAMS, ROCHESTER, MI 48306, OAKLAND TOWNSHIP, OAKLAND COUNTY, FROM RED LOTUS, LLC & TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436L.1531(1) TO 935 E. LONG LAKE, TROY, MI 48085, OAKLAND COUNTY AND REQUEST NEW OFFICIAL PERMIT (FOOD); & SDM LIC.

09/09/09
Tim

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

rlb

LC-1972(Rev. 09/05)
Authority: MCL 436.1201(4)
Completion: Mandatory
Penalty: No License

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.



09/09/09 Tam

FOR MLCC USE ONLY

Request ID # 524757

Business ID # 220807

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

GRAND AZTECA V, INC., REQUESTS TO TRANSFER OWNERSHIP OF 2009 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 4856 N. ADAMS, ROCHESTER, MI 48306, OAKLAND TOWNSHIP, OAKLAND COUNTY, FROM RED LOTUS, LLC & TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436L.1531(1) TO 935 E. LONG LAKE, TROY, MI 48085, OAKLAND COUNTY AND REQUEST NEW OFFICIAL PERMIT (FOOD); *& SDM LICENSE. 09/09/09 Tam*

Section 1. APPLICANT INFORMATION

APPLICANT #1:
 SILVIANO ARELLANO-AGUAYO - STOCKHOLDER
 935 E. LONG LAKE
 TROY, MI 48085
 H (248) 670-4842

APPLICANT #2:
 JUAN L. RAMOS - STOCKHOLDER
 2731 RHODES
 TROY, MI 48083
 B (248) 670-4842

DATE FINGERPRINTED: **NO FINGERPRINTS REQUIRED**

DATE FINGERPRINTED: **NO FINGERPRINTS REQUIRED**

DATE OF BIRTH:
 Is the applicant a U.S. Citizen: Yes No*
 *Does the applicant have permanent Resident Alien status?
 Yes No*
 *Does the applicant have a Visa? Enter status:

DATE OF BIRTH:
 Is the applicant a U.S. Citizen: Yes No*
 *Does the applicant have permanent Resident Alien status?
 Yes No*
 *Does the applicant have a Visa? Enter status:

****Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission****

ARREST RECORD: Felony Misdemeanor
 Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

ARREST RECORD: Felony Misdemeanor
 Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
 No Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? No Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No **If No**, indicate which state and local ordinances the location does not meet: Building Plumbing Zoning Fire Sanitation Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? Yes No*
2. Should the MLCC grant this request? Yes No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? Yes No

4. Is this recommendation subject to any other conditions? Yes No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

09/09/09 702

FOR MLCC USE ONLY

Request ID # 524757

Business ID # 220807

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

AUGUST 24, 2009

TO:

Re: GRAND AZTECA V., INC.

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: FOOD

Weekdays _____ A.M. to _____ A.M.

Sundays 7:00 A.M. to 12:00 P.M.

Recommended Recommended, subject to final inspection Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ P.M.

Recommended Recommended, subject to final inspection Not Recommended

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ P.M.

Recommended Recommended, subject to final inspection Not Recommended

DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

PI # 524757
09/09/09 Ten

<input type="checkbox"/> ENTERTAINMENT PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> TOPLESS ACTIVITY PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OUTDOOR SERVICE <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> PARTICIPATION PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ADDITIONAL BAR PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OTHER <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

Signed:

Signature and Title

Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

rlb

A regular meeting of the Liquor Advisory Committee was held on Monday, November 9, 2009 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

Roll Call

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne

ABSENT: Andrew Kaltsounis
Bohdan L. Ukraineec

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Lauren Harden, student representative
Dane Lepola, student representative
Pat Gladysz

Resolution to Excuse Committee Members Kaltsounis and Ukraineec

Resolution #LC2009-11-019
Moved by Hall
Seconded by Payne

RESOLVED, That the absence of Committee members Kaltsounis and Ukraineec at the Liquor Advisory Committee meeting of November 9, 2009 be **EXCUSED**.

Yes: 5
No: 0
Absent: Kaltsounis, Ukraineec

Resolution to Approve Minutes of October 12, 2009 Meeting

Resolution #LC2009-11-020
Moved by Hall
Seconded by Payne

RESOLVED, That the Minutes of the October 12, 2009 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Kaltsounis, Ukrainec

Agenda Items

1. **Marriott International, Inc. (A Delaware Corporation)**, 200 West Big Beaver, Troy, MI 48084 requests to drop WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company) as Co-Licensee and add Sunstone Big Beaver Lessee, Inc. (A Delaware Corporation) as Co-Licensee in 2009 B-Hotel & SDM Licensed Business with Dance-5 Entertainment Permit, Official Permit (Food), 8 Bars, and 350 Rooms, located at 200 West Big Beaver, Troy, MI 48084, Oakland County: and change Official Food Permit (Food) Hours from weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 7:00 A.M. to 12:00 P.M. to weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 6:00 A.M. to 12:00 P.M {MLCC Req. #519011}.

Present to answer questions from the Committee was attorney Patrick Howe.

Mr. Howe explained that this request is made to update MLCC records due to a change in business ownership. The management of the hotel remains unchanged. Also, this request includes a change in the start time of the food service hours.

Officer Feld informed the Committee that all inspections have been approved.

Resolution #LC2009-11-021

Moved by Godlewski

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Marriott International, Inc. (A Delaware Corporation) 200 West Big Beaver Road, Troy, MI 48084 to drop WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company) as Co-Licensee and add Sunstone Big Beaver Lessee, Inc. (A Delaware Corporation) as Co-Licensee in 2009 B-Hotel & SDM Licensed Business with Dance-Entertainment Permit, Official Permit (Food), 8 Bars, and 350 Rooms, located at 200 West Big Beaver, Troy, MI 48084, Oakland County: and to change Official Food Permit (Food) Hours from weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 7:00 A.M. to 12:00 P.M. to weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 6:00 A.M. to 12:00 P.M be **APPROVED**.

Yes: 4
No: 1
Absent: Kaltsounis, Ukrainec

2. **Grand Azteca V Inc.**, requests to transfer ownership of 2009 Class C Licensed Business, located in escrow at 4856 N. Adams, Rochester, MI 48306, Oakland Township, Oakland County, From Red Lotus, LLC & transfer location (Governmental Unit) (MCL 436L.1531 (1) to 935 East Long Lake Troy, MI 48085, Oakland County and request New Official Permit (Food) & SDM License {MLCC Req.#524757}.

Present to answer questions from the Committee were owners Silviano Arellano-Aguaya and Juan Ramos.

The business owners provided the Committee with menus for their five restaurant locations. The Long Lake Road location has approximately 20 booths and the bar is located on the left in the rear of the restaurant. The employee liquor training will be obtained through TIPS.

Resolution #LC2009-11-022
Moved by Hall
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Grand Azteca V Inc., to transfer ownership of 2009 Class C Licensed Business, located in escrow at 4856 N. Adams, Rochester, MI 48306, Oakland Township, Oakland County, from Red Lotus, LLC, and to transfer location (Governmental Unit) (MCL 436L.1531 (1) to 935 East Long Lake Road, Troy, MI 48085, Oakland County, and to receive New Official Permit (Food) & SDM License be **APPROVED**.

Officer Feld informed the Committee that there have been no liquor violations and inspections have been approved.

Yes: 5
No: 0
Absent: Kaltsounis, Ukrainec

Student representative Lauren Harden was introduced.

Officer Feld updated the Committee on the following information items:

NKG Business, Inc.

Application has been made to transfer license from Buscemi's.

Fine Wine Distributors, Inc.

A wholesale license has been requested.

Cameron Mitchell Restaurants, LLC

Ocean Prime restaurant is requesting to enlarge their outdoor service area. This request was originally made in the spring of this year, but they chose to delay the project until the patio would be closed for the season.

Space Station

This is a Marathon gas station at 3410 Rochester is requesting a SDM and SDD license.

Northfield Hilton

The hotel changed their name to the Ramada Inn approximately nine months ago, but was under the same ownership. It now appears that ownership may have recently changed. DeSoto's Bar inside the hotel is closed.

Officer Feld also informed the Committee that McCormick & Schmick's Restaurant, Hilton Homewood Suites, and Parrot Cove served alcohol to a minor decoy on October 28, 2009.

The meeting adjourned at 7:20 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II