

AGENDA ITEM #: _____

DATE: May 11, 2020

CAR #: 2020-6944



CITY COUNCIL ACTION REPORT

SUBJECT: Recommend approval of a liquor license acquisition of control for P.F. Chang's China Bistro

STAFF PRESENTER(S): Darcie McCracken, City Clerk

OTHER PRESENTER(S): **Agent:** Lisa Volmer Gressel, agent, P.F. Chang's China Bistro
Applicant: Andrea D. Lewkowitz, Lewkowitz Law Office, PLC

Summary: Due to a change in its ownership structure, P.F. Chang's China Bistro is required to apply for an acquisition of control to the Arizona Department of Liquor Licenses and Control (DLLC). The City Council has the option to recommend approval, recommend denial or make no recommendation regarding the acquisition of control.

Recommendation: Recommend approval to the Arizona Department of Liquor Licenses and Control of Application No. 108461, a request from Lisa Volmer Gressel, agent for P.F. Chang's China Bistro, for an acquisition of control of Liquor License No. 12077708 assigned to P.F. Chang's China Bistro, located at 14681 W. McDowell Rd., Goodyear, Arizona (Generally located at the southeast corner of W. McDowell Rd. and N. Bullard Ave.).

Fiscal Impact: Per the Goodyear Municipal User Fee Schedule, a liquor license fee is only charged for new liquor licenses. Acquisitions of Control involve current liquor licenses; therefore, no fee is charged. The business will continue to contribute to the tax base of the community.

Background and Previous Actions

City Council voted to recommend approval of a Series 12 (Restaurant) liquor license at its regular meeting on September 8, 2008, and the DLLC issued License No. 12077708 to P.F. Chang's China Bistro on November 4, 2008. The restaurant is currently open for business to the public.

The City Clerk's Office received the application for an acquisition of control from the DLLC on April 14, 2020. P.F. Chang's China Bistro, the licensee, and its umbrella entity, Wok Holdings, Inc., have added two new officers to their organizational structure: Arthur Kilmer as director and Lisa Gressel as secretary/director. There are no other changes at this time.

Staff Analysis

Per Arizona Revised Statutes § 4-203(F), the local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control.

The application has been routed to the Police Department and the Development Services Department (Planning and Zoning, Code Compliance and Building Safety). Any comments that have been received are noted below:

Department	Comments
Police	None
Planning and Zoning	None
Code Compliance	None
Building Safety	None

Only new liquor licenses require a public hearing by the local governing body. A public hearing is not required for an acquisition of control as the action is in regard to an existing liquor license. The City Council's recommendation of "Approval", "Disapproval" or "No Recommendation" will be forwarded to the DLLC for final action.

Attachments

1. DLLC Local Governing Body Report
2. Ownership Chart
3. Cover Letter to DLLC