



DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT: RECOMMENDING COMMITTEE: ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2009-45 ABHYANCE ITEM: Amends the City's regulations pertaining to alcoholic beverages, including updates to licensing categories, standards and definitions. Sponsored by: Councilman Steven Wolfson

Fiscal Impact

☐

No Impact

☐ Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update LVMC Chapter 6.50 governing the licensing and regulation of alcoholic beverages. Among other things, the bill will add new licensing categories, standards and definitions, and will also adjust a number of other standards as deemed appropriate.

RECOMMENDATION:

ADOPTION at 12/2/2009 City Council Meeting as a First Amendment pursuant to the 11/17/2009 Recommending Committee Meeting

First Reading 11/4/2009; First Publication 11/20/2009

BACKUP DOCUMENTATION:

1. Bill No. 2009-45
2. Business Impact Statement
3. Bill No. 2009-45 First Amendment

Motion made by RICKI Y. BARLOW to Approve as Second Amendment

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

NOTE: An initial motion by REESE to Strike Section 29 from this Bill failed with GOODMAN, WOLFSON, BARLOW and ANTHONY voting no. A second motion by WOLFSON to amend Subsection 31(b) only to replace the term "employee" with the term "person" carried unanimously.

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Minutes:

Second reading and bill adopted as Second Amendment and as Ordinance No. 6071.

JIM DiFIORE, Manager of Business Services, stated that this bill has been in progress for approximately 18 months to address outdated provisions and definitions as well as address concerns. New classifications have been provided to be consistent with new venues that are being built today. Some of the provisions have been tightened such as the requirement that anyone attending non-profit clubs as a guest must attend with a member. One concern related to the display of alcoholic beverages within a grocery store. By repealing this section of the bill, it would allow more flexibility for marketing. MR. DiFIORE explained that at the latest Clark County Commission Meeting, the County also removed the restriction making it consistent with North Las Vegas and Henderson. He had visited several stores in Henderson to see their set up and whether any problems existed.

COUNCILMAN REESE asked whether the Sheriff's Office had been contacted regarding the lifting removal of the work card restrictions. MR. DiFIORE replied that SERGEANT GLENN LOWE from METRO, Special Investigations Division, was present and would provide comments. SERGEANT LOWE confirmed that the subject was discussed with MR. DiFIORE; however, he mentioned that Metro prefers not to eliminate work cards unless special circumstances exist.

Questioning the manner in which Sections 29 and 31 could be voted upon, BRAD JERBIC, City Attorney, suggested that should a Council member not agree with a particular section, that Councilmember should make a motion to amend the bill by removing the section.

COUNCILMAN ANTHONY remarked that he could not support Section 31 and its subsections because they were confusing and unclear. He added that ordinances must be specific and very clear on what is prohibited and what is not. In this case, it is not true. COUNCILMAN REESE agreed and stated that he also could not support the change. He expressed concern with changing something that is working and emphasized that it is not necessary for the City to make changes to be consistent with anyone else.

COUNCILMAN BARLOW and MR. DiFIORE discussed the need to serve the best interests of the community, regardless of any differences between the County or other municipalities. With regard to the work card issue, MR. DiFIORE confirmed that this would be consistent with Clark County but it differs from North Las Vegas and Henderson standards.

As the sponsor of this Bill, COUNCILMAN WOLFSON, stated that there appears to be no major issue with Section 29 and asked CITY ATTORNEY JERBIC whether it would be feasible just to move forward on that section of the Bill. CITY ATTORNEY JERBIC recommended striking Section 29 from the Bill to determine whether it survives or not. Once that motion failed, CITY ATTORNEY JERBIC explained that Section 29 will remain in the Bill, which will allow alcohol to be displayed anywhere in a store.

MR. DiFIORE offered a suggestion that if approved, would change the verbiage to read, any person who pours, serves or monitors the sale or service of alcoholic beverages for on-premise

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consumption. COUNCILMAN ROSS urged supporting Metro and holding people to a higher standard in the City of Las Vegas.

COUNCILMAN WOLFSON was troubled with moving forward because of the reservations of other Councilmembers. CITY ATTORNEY JERBIC recommended keeping the original language of Section 31, Subsection b, with the amendment to change the verbiage as suggested by MR. DiFIORE.

Prior to the third motion, VAL STEED, Chief Deputy City Attorney, verified changes made for housekeeping adjustments to the Bill and a recommendation to adopt as a Second Amendment.

