



Agenda Item No.: 3.

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

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

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ 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:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

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

Motion made by STAVROS S. ANTHONY to Approve as Do Pass as a First Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

JIM DiFIORE, Manager of Business Services, stated the proposed ordinance was drafted with the intent to expand opportunities for the alcohol industry. He gave an overview of the following proposed changes, including some of the new license classifications that will allow for the sale of alcohol in conjunction with certain uses, such as a licensed movie theater, golf course, sports, cultural or recreational establishments. MR. DiFIORE recommended the following provisions in order to address some of the issues stemming from alcohol sales: 1) add a category for an

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 17, 2009

instructional wine-making facility in response to overwhelming interests in opening such a facility within the City of Las Vegas, in accordance with recently approved state law; 2) add a provision to require attendees at events held by non-profit organizations, such as the American Legion, to be a club member or to be accompanied by a club member, which will meet the original intent to allow non-profit organizations to have an affordable place to meet; 3) add a provision to allow wholesale distributors to hold wine/liquor tasting events at grocery stores; 4) add clarifying language to require that signage of businesses selling alcohol for off-premise consumption be posted no lower than 3 feet and no higher than 7 feet, making it visible to the customer that consumption cannot be within 1,000 feet of the premise; 5) add a keg beer category to allow the keg beer distributor sponsoring an event to act as bartender at such event with a permit costing \$25 instead of the former \$15 to cover related costs; 6) amend a provision to allow the World Market Center to sell alcohol year-around at activities held on-site; 7) amend work card provisions for individuals serving alcohol in the City of Las Vegas which requires individuals pouring alcohol in a restaurant to retain a work card, but waiters/waitresses that primarily serve food would not be required to obtain a work card as they do not handle the alcohol; 8) repeal the provision restricting the areas where hard alcohol may be sold as increased surveillance, monitoring and security changes in grocery stores over the years have eliminated the need for government protection of inventory; 9) add a provision to allow a working fee for beer/wine on/off-sale to allow patrons to bring in their own beer to a restaurant and have it opened and poured in their presence; and 10) add a new license category to allow entertainment at a business with Council approval only.

COUNCILMAN BARLOW asked why significant changes and additions were being recommended in one bill, noting that there are a lot of details to consider. MR. DiFIORE answered that a lot of it is cosmetic and a compilation of matters that needed to be addressed for some time. Staff felt that it would be advantageous to include all the change recommendations to Las Vegas Municipal Code 6.50, in order to make it as comprehensive as possible.

COUNCILMAN BARLOW questioned the recommended change to eliminate the work card requirement for waiters/waitresses serving alcoholic beverages. MR. DiFIORE explained that the recommendation only pertains to waiters/waitresses who primarily serve food. If the waiter/waitress takes food and alcohol beverage orders, then he or she will still be required to retain a work card.

COUNCILMAN BARLOW regarded the numerous bill changes as being confusing for the entire work card process. He stated that he did not understand the reason for the change regarding waiters/waitresses serving alcohol with meals. MR. DiFIORE explained that the change stems from a recommendation of an assemblywoman in the industry, as well as a recommendation by the Council to review the work card rules between the County and the City after considering a work card appeal in which the appellant, who was employed by a chain restaurant and was transferred from a restaurant in the County to another in the City. She was required to obtain a work card for the restaurant located in City limits, but had not been required to do so for the same job at the restaurant in the County. Staff felt the recommended change would establish uniformity of the work card rules between the two jurisdictions and simplify the process for the industry and work card applicants.

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 17, 2009

COUNCILMAN BARLOW asked if the recommended changes regarding alcohol in a grocery store would allow an increase in the square footage dedicated for alcohol and in advertisement of alcohol. MR. DiFIORE was uncertain, but stated that the letter he received from Smith's Food and Drug Centers indicated that the change would allow for more creative marketing of their products than the current limitations, which are lifted during the holiday season. Smith's is asking that flexibility be permitted throughout the year. MR. DiFIORE did not believe the City of North Las Vegas and the City of Henderson have such limitations, as staff was unable to find any verbiage in their codes. Clark County's provision is very similar to the City's current provision.

MR. DiFIORE indicated for COUNCILMAN BARLOW that the corking fee is to allow the industry to open wine bottles brought in by customers to be served with dinner.

RYAN ARNOLD, 2620 Regatta Drive, representing Wal-Mart, expressed concern about the inclusion of the new super center category and requested clarification for its need. MR. DiFIORE explained that major grocery store chains occupy about 90 percent of their footage with grocery items, with the ability to sell alcohol via the Internet. However, stores like Costco cannot sell alcohol via the Internet because they are classified as department stores. Staff felt it was necessary to identify the major chains differently in order to allow them to sell via the Internet as do grocery stores. The classification supercenter was presented by staff. MR. ARNOLD stated his client would not want to hinder the sales ability of any business, but confirmed with MR. DiFIORE his recommendation to use an alternative classification.

MR. DiFIORE explained for COUNCILMAN ANTHONY that the recommended change to allow sale of wine at sports events is for venues such as the Ward 3 Big League Dreams multi-functional complex where various softball tournaments, games and other athletic events will be held. The complex will be different from Cashman Field, which is licensed to sell alcohol. The general on-sale alcohol beverage license is a full-scale license, but is limited to golf courses, sports facilities, recreational or cultural establishments. He indicated that during the first year of operation, the Big League Dreams complex will be limited to beer/wine. The new general on-sale alcoholic beverage license category would allow a full service facility for venues of this type. The Big Dreams complex will be permitted to sell beer/wine for the first year without a meal. COUNCILMAN ANTHONY asked if this will eventually be permitted outside of Ward 3. MR. DiFIORE presumed that as the City prospers and grows, it would.

CHIEF DEPUTY CITY ATTORNEY VAL STEED suggested the following minor amendments: 1) Section 27 - to require that business records be made available for inspection during licensees' business hours; 2) Section 36 - to include the language (or other person performing a security function), as suggested by the Las Vegas Metropolitan Police Department; and 3) add two new sections making changes to the Land Use Tables to correspond with the recommended changes. He suggested approval as a First Amendment and confirmed with the Committee members that the alternate classification for super center would be presented in a second amendment on the day this bill is considered for adoption by the Council, which would be 12/2/2009.

COUNCILMAN BARLOW declared the Public Hearing closed.