

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 495 S. MAIN STREET
HUMAN RESOURCES TRAINING ROOM 5 - OWNERSHIP
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
APRIL 2, 2013
9:00 A.M.**

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2013-13 - For Possible Action - Adopts an updated Housing Element of the Las Vegas 2020 Master Plan. Proposed by: Flinn Fagg, Director of Planning
4. Bill No. 2013-14 - For Possible Action - Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held. Sponsored by: Councilman Bob Beers
5. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
6. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Thursday, 7:00 A.M. to 5:30 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 2, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 2, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 2, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2013-13 - For Possible Action - Adopts an updated Housing Element of the Las Vegas 2020 Master Plan. Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

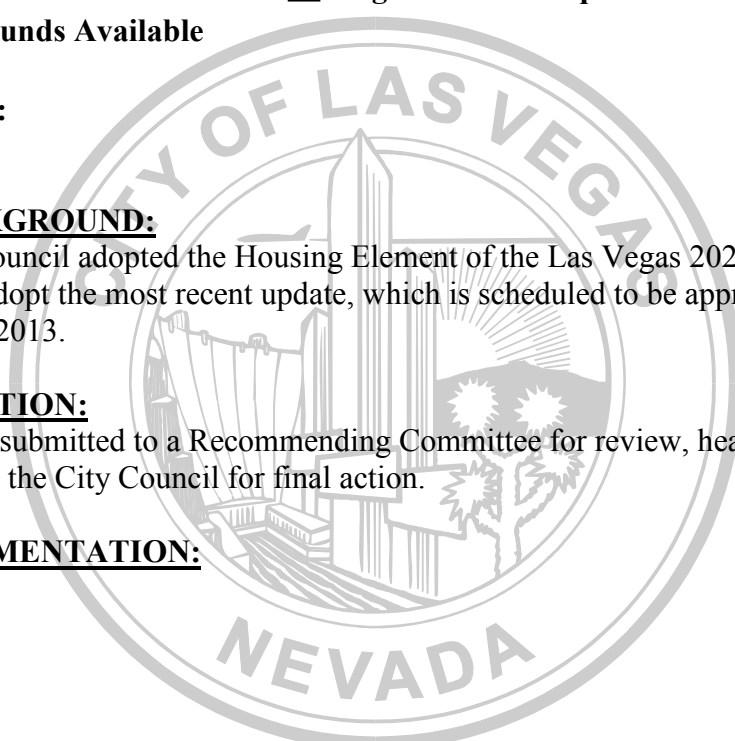
In 2001 the City Council adopted the Housing Element of the Las Vegas 2020 Master Plan. This bill will formally adopt the most recent update, which is scheduled to be approved by Council vote on March 20, 2013.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2013-13



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BILL NO. 2013-13

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT AN UPDATED HOUSING ELEMENT OF THE LAS VEGAS 2020 MASTER PLAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Director of Planning Summary: Adopts an updated Housing Element of the Las Vegas 2020 Master Plan.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: The document entitled "Housing Element," the essential contents of which were approved by the City Council on March 20, 2013, is hereby adopted as a part of the Las Vegas 2020 Master Plan and is incorporated therein by this reference. The document so identified shall function as the Housing Element of the Las Vegas 2020 Master Plan, and shall replace and supersede the previous version of the Housing Element that was adopted on July 18, 2001, by means of Ordinance No. 5338.

SECTION 2: The Department of Planning is authorized to:

(A) Include the date of the adoption of this Ordinance within or upon the document referred to in Section 1 at such locations as are designed to reflect the date of the adoption of this Ordinance;

(B) Publish the document in final form; and

(C) File the final document with the City Clerk.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 3-5-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 2, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2013-14 - For Possible Action - Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held. Sponsored by: Councilman Bob Beers

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will create two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibit restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held.

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. 2013-14
2. Business Impact Statement

1 **BILL NO. 2013-14**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S LICENSING REGULATIONS BY CREATING TWO
4 NEW ALCOHOLIC BEVERAGE LICENSE CATEGORIES (BEER AND WINE ROOM AND
5 ANCILLARY BREW PUB) AND PROHIBITING RESTRICTED GAMING AT AN
ESTABLISHMENT WHERE A BEER AND WINE ROOM ALCOHOLIC BEVERAGE LICENSE
IS HELD, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Bob Beers

Summary: Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held.

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10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
11 AS FOLLOWS:

12 SECTION 1: Title 6, Chapter 50, Section 80, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

14 SECTION 2: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 80,
16 reading as follows:

17 **6.50.080:** A beer and wine room alcoholic beverage license authorizes the sale of beer and wine
18 only for consumption on the premises where the same are sold.

19 SECTION 3: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 85,
21 reading as follows:

22 **6.50.085:** (A) An ancillary brew pub alcoholic beverage license authorizes the manufacture
23 and sale of malt beverages at an establishment provided that the owner or operator of such
24 establishment maintains in a primary capacity, at the same location, one of the following licenses:

- 25 (1) A tavern alcoholic beverage license pursuant to LVMC 6.50.240;
26 (2) A tavern-limited alcoholic beverage license pursuant to LVMC
27 6.50.250; or
28 (3) A beer/wine room alcoholic beverage license pursuant to LVMC

1 6.50.080.

2 (B) An ancillary brew pub alcoholic beverage license shall only be issued subject
3 to the following conditions:

4 (1) That the manufacture and sale of the malt beverages produced at the
5 location shall comply with all relevant State and Federal laws regarding the manufacture and sale of
6 malt beverages; and

7 (2) The manufacture and sale of malt beverages may only occur as an
8 ancillary activity to the activities permitted by the primary license. The sale of the malt beverages
9 manufactured shall not exceed 49% of the total gross sale of food and beverages at the establishment.

10 (3) Prior to issuance of an ancillary brew pub license by the City, the
11 applicant shall present proof of State licensure of the establishment as a brew pub.

12 (C) Any brew pub/tavern license in existence prior to the adoption of the ordinance
13 codified in this Section may continue to operate as currently licensed unless the operation of the
14 establishment is discontinued for a period of greater than twelve consecutive months. Upon the
15 expiration of a period of discontinuance for greater than twelve months, the establishment must obtain
16 and maintain alcoholic beverage licenses pursuant to the applicable regulations then in effect.

17 SECTION 4: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.50.360:** Each licensee shall pay to the Department in advance, the semiannual license fees set
20 forth in the following schedule:

21 License Category	Semiannual License Fee (Dollars)
22 Alcoholic beverage caterer	\$500.00
23 Ancillary lounge bar	1,200.00
24 <u>Ancillary brew pub</u>	<u>500.00 or 1% of gross sales, whichever is greater</u>
25 Banquet or event establishment	500.00
26 Beer/wine/cooler cultural event on-sale	150.00
27 Beer/wine/cooler on-sale	300.00
28 Beer/wine/cooler off-sale	300.00

1	Beer/wine/cooler on-off sale	600.00
2	[Brew/pub/tavern]	[1,200.00]
3	<u>Beer and wine room</u>	<u>700.00</u>
4	<u>Plus: fee for each additional bar</u>	<u>400.00</u>
5	Convention facility	1,200.00
6	General on-sale	1,200.00
7	General on-sale (beer and wine)	500.00
8	Gift basket limited	300.00
9	Gift shop limited	500.00
10	Grocery store or mega store internet sale	500.00
11	Instructional wine making facility	600.00
12	Keg beer	200.00
13	Liquor manufacturer	1,000.00
14	Nonprofit club general on-sale	200.00
15	Nonprofit club restaurant service bar	100.00
16	Package	750.00
17	Permanent trade show facility	2,400.00
18	Restaurant service bar	600.00
19	Supper club	800.00
20	Plus: fee for each additional bar	750.00
21	Tavern (one bar)	1,200.00
22	Plus: fee for each additional bar	900.00
23	Tavern-limited	800.00
24	Plus: fee for each additional bar	500.00
25	Urban lounge	1,000.00
26	Plus: fee for each additional bar	750.00
27	Wholesale general	1,000.00
28	Wine, beer, cordial, liqueur tasting	600.00

Each time-limited special event general licensee shall pay the following license fee for each day (or for each event, in the case of a multi-day event): One hundred dollars, plus seventy-five dollars for

1 each additional bar.

2 Each time-limited special event beer/wine/cooler licensee shall pay the following license fee for each
3 day (or for each event, in the case of a multi-day event): Fifty dollars, plus twenty-five dollars for each
4 additional bar.

5 SECTION 5: Title 6, Chapter 50, Section 380, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.50.380:** (A) The origination charge listed in this Section is a one time charge which is due
8 and payable at the time of filing an application for an alcoholic beverage license. Origination charges
9 are as follows:

License Category	Origination Charge (Dollars)
Alcoholic beverage caterer	\$4,000.00
Ancillary lounge bar	40,000.00
Banquet or event establishment	20,000.00
Beer/wine/cooler cultural event on-sale	500.00
Beer/wine/cooler on-sale	2,500.00
Beer/wine/cooler off-sale	2,500.00
Beer/wine/cooler on-off sale	5,000.00
[Brew/pub/tavern]	[75,000.00]
<u>Beer and wine room</u>	<u>7,500.00</u>
Convention facility	75,000.00
General on-sale	75,000.00
General on-sale (beer and wine)	20,000.00
Gift basket limited	1,000.00
Gift shop limited	4,000.00
Grocery store or mega store internet sale	2,500.00
Instructional wine making facility	2,500.00
Keg beer	4,000.00
Liquor manufacturer	10,000.00
Nonprofit club general on-sale	2,000.00

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1	Nonprofit club restaurant service bar	1,000.00
2	Package	40,000.00
3	Permanent trade show facility	60,000.00
4	Restaurant service bar	30,000.00
5	Supper club	40,000.00
6	Tavern	75,000.00
7	Tavern-limited	20,000.00
8	Urban lounge	50,000.00
9	Wholesale general	10,000.00
9	Wine, beer, cordial, liqueur tasting	2,000.00

11 (B) The transfer of an alcoholic beverage license from one licensee to another is
 12 exempt from the origination charge set forth in this Section.

13 (C) In connection with the issuance of an original new City alcoholic beverage
 14 license to an existing County alcoholic beverage licensee whose business premises have been annexed
 15 into the City, the Department shall waive the origination charge at the request of the applicant.
 16 However, a license concerning which such a waiver has been granted may not be sole, transferred to
 17 a third party, or transferred to a new location, notwithstanding any provision of this Title to the
 18 contrary.

19 SECTION 6: Ordinance No. 6232 and Title 6, Chapter 40, Section 155, of the
 20 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section
 21 6.40.155 reads as follows:

22 **6.40.155:** (A) The City Council may deny any application for a gaming license if it deems the
 23 place or location for which the license is sought to be unsuitable for the conduct of gaming.

24 (B) No restricted gaming shall be conducted, maintained or operated in the
 25 following places or locations:

- 26 (1) Laundromats;
- 27 (2) Bakeries, donut shops and any other retail location, except as otherwise
- 28 provided in LVMC 6.40.140 and 6.40.150;

- 1 (3) Movie theaters and professional offices;
- 2 (4) Fast food establishments;
- 3 (5) Hotels with a lounge bar license;
- 4 (6) Locations within the Downtown Entertainment Overlay District, as
- 5 described in LVMC 19.10.120; [and]
- 6 (7) Establishments at which a person holds a tavern-limited license[.]; and
- 7 (8) Beer and wine rooms.

8 (C) Locations listed in Subsection (B) that are licensed for gaming as of the date
9 this section (or any amendment thereto) was adopted may be allowed to continue their licenses so long
10 as the nature and character of the business at the location does not materially change.

11 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
12 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
13 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
14 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
15 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
16 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
17 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
18 invalid or ineffective.

19 SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared
20 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
21 required or the failure to do any act is made or declared to be unlawful or an offense or a
22 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
23 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
24 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
25 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2013.


APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

 3/5/13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

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13 By _____
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
18 City Clerk
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**BUSINESS IMPACT STATEMENT
BILL NO. 2013-14**

(Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2013-14, that would update the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

No comments were solicited. The proposal is not anticipated to have a materially different impact on businesses than existing regulations, and those licensees that currently possess a pub/tavern alcoholic beverage license will not be required to convert such license to an ancillary brew pub liquor license

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

New licensing categories available at potentially lower cost than under those currently available

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

Not applicable

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

The City cannot estimate the total annual amount for the following reasons.

–The proposed ordinance proposes to add a new type of alcoholic beverage license, beer and wine room, which will require an initial payment of \$7,500.00 at the issuance of the license and a license fee of \$700.00 semi-annually. While the City believes that some persons will make application for such a license in the coming year, the City cannot estimate the number of licenses to be issued, thus cannot estimate the total amount of revenue to be collected.

–The ordinance also proposes to strike the pub/tavern alcoholic beverage license, which is the current license for the manufacture and sale of malt beverages, and proposes to add a new license for the manufacture and sale of malt beverages, the ancillary brew pub alcoholic beverage license. The prior license required an initial payment of \$75,000.00 at the issuance of the license and a license fee of \$1,200.00 semi-annually. The ancillary brew pub license does not require any initial payment at issuance of the license, but it does require the payment of the greater of \$500.00 semi-annually or 1% of gross sales annually. While the City believes that some persons will make application for such a license in the coming year, the City cannot estimate the number of licenses to be issued, thus cannot estimate the total amount of revenue to be collected

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Any additional revenues from new fee categories will be used to offset enforcement costs and to replace potential revenues from existing categories.

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: March 5, 2013

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 2, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 2, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

